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A PROFESSIONAL CORPORATION

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October 23, 2009

## VIA HAND DELIVERY

Commission's Office of Chief Clerk  
Texas Commission on Environmental Quality  
Attention: Agenda Docket Clerk  
12100 Park 35 Circle, MC105  
Austin, TX 78753

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY  
2009 OCT 23 PM 12:49  
CHIEF CLERK'S OFFICE

**RE: American Marazzi Tile Inc.  
Use Determination Application No. 13868  
TCEQ Docket No. 2009-1598-MIS-U**

### **Brief in Response to the Appeal of the Dallas County Central Appraisal District**

Dear Sir or Madame:

This Brief, including its Attachments A-G, constitutes the response of our client, American Marazzi, Tile, Inc. (Company) to the September 10, 2009 appeal of the Dallas Central Appraisal District (Appeal) of the TCEQ's action granting a 100% positive use determination for a clay storage facility (Use Determination) located at the Company's property in Sunnyvale, Dallas County. The Texas Commission on Environmental Quality (TCEQ) Use Determination dated August 18, 2009 provided as Attachment A was granted in response to the Company's Application for the same dated June 23, 2009 provided as Attachment B.

The Company's Application sought a Use Determination for a variety of items. The Appeal concerns only this clay storage facility, so only that portion of the TCEQ Use Determination is at issue.

#### Background

The Company is a major domestic manufacturer of ceramic and porcelain floor tile. It began operations in 1981 and has been in continuous production since that time. Over the years, the Company has invested tens or hundreds of millions of dollars in capital equipment as its operations and with it, employment, grew. The air emissions associated with that equipment are subject to regulation, including permitting by the state of Texas. The Company has sought and obtained Use Determinations over time from the TCEQ and its predecessor agencies as the same were made available by law, including for a clay storage shed.

#### *Austin Office*

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In 2006, the Company made the decision to substantially expand its manufacturing capacity through the construction of a second factory at its Sunnyvale factory location. It sought and received an air permit from the TCEQ in March 2007 for the construction and operation of this factory. A copy of that permit is provided in Attachment C. In April 2008, the Company finished construction and began production in the second factory.

The Company's Application for a Use Determination identified the pollution control-related components of that second factory, including the clay storage facility at issue here, and sought a 100% Use Determination for each. That request was granted by TCEQ on August 18, 2009.

The primary raw material in the manufacturing of tile is clay. The clay storage facility is designed to receive and manage hundreds of millions of pounds of clay delivered by truck each year to the Company's factory for processing and use every year. Based on current production capacity, that figure is in excess of 300,000,000 pounds of clay annually. Millions of pounds of other raw materials are also delivered. The indoor unloading of clay and the other materials from the truck deliveries creates dust, a fugitive emission. Movement of the clay and the other raw materials for inventory management and manufacturing purposes creates additional fugitive emissions. TCEQ, EPA and the Company know that management of fugitive emissions is a critical environmental obligation, and we believe the Dallas County Appraisal District knows or should know that fugitive emission management is important.

The clay storage facility at issue here was constructed to satisfy the TCEQ and EPA particulate emissions management requirements that focus on the minimization of dust escaping to the ambient atmosphere and beyond the Company's property boundaries. Those requirements are detailed below.

Specifically, the height of the clay storage facility is designed to allow the delivery truck bed to tilt toward the vertical as they dump their contents and for the resulting dust to remain within the facility. If the ceiling was lower, that dust would contact the ceiling sooner, and have a buoyant tendency to spread horizontally toward and/or through the facility's exits into the environment. Moreover, the interior of the clay storage facility is not simply a wide open space, as the Appeal may tend to suggest. It is constructed of two rows of three-walled storage bins whose design is intended to preclude commingling of raw materials and minimize dust from materials handling to, in and from each bin. See photographs provided in Attachment D.

This clay storage facility replaced a clay storage structure that the Company was forced to raze to accommodate the construction of the second factory. That clay storage structure was granted a 100 percent positive use determination for the same reasons the clay storage structure at issue here was granted a 100 percent positive use determination: it is legally required to abate particulate emissions.

The Dallas County Appraisal District Appeal does not contest that the Companies' clay storage facility is used to store clay. Rather, it takes the position that because "it is nothing more than a very large pre-engineered steel warehouse that could serve any number of roles," it is not eligible for the Use Determination. That, simply, is not the law.

#### Applicable Law and Regulations

Section 11.31 of the Texas Tax Code is that law that establishes the Company's right to the issued Use Determination for its clay storage facility. It states:

(a) A person is entitled to an exemption from taxation of all or part of real and personal property that the person owns and that is used wholly or partly as a facility, device, or method for the control of air, water, or land pollution. A person is not entitled to an exemption from taxation under this section solely on the basis that the person manufactures or produces a product or provides a service that prevents, monitors, controls, or reduces air, water, or land pollution. Property used for residential purposes, or for recreational, park, or scenic uses as defined by Section 23.81, is ineligible for an exemption under this section.

(b) In this section, "facility, device, or method for the control of air, water, or land pollution" means land that is acquired after January 1, 1994, or any structure, building, installation, excavation, machinery, equipment, or device, and any attachment or addition to or reconstruction, replacement, or improvement of that property, that is used, constructed, acquired, installed wholly or partly to meet or exceed rules or regulations adopted by any environmental protection agency of the United States, this state, or a political subdivision of this state for the prevention, monitoring, control, or reduction of air, water, or land pollution. (*emphasis supplied*).

TCEQ regulations at 30 TAC 17.4(a) follow the law and are clear on what it takes to obtain a positive use determination. TCEQ applied them correctly in this case. They state:

To obtain a positive use determination, the pollution control property must be used, constructed, acquired, or installed wholly or partly to meet or exceed laws, rules, or regulations adopted by any environmental protection agency of the United States, Texas, or a political subdivision of Texas, for the prevention, monitoring, control, or reduction of air, water, or land pollution. In addition, pollution control property must meet the following conditions:

(1) Property must have been constructed, acquired, or installed after January 1, 1994.

(2) Land must include only the portion of the land acquired after January 1, 1994, that actually contains pollution control property.

(3) Equipment, structures, buildings, or devices must not have been taxable by any taxing unit in Texas on or before January 1, 1994, except that if construction of pollution control property was in progress on January 1, 1994, that portion of the property constructed, acquired, or installed after January 1, 1994, is eligible for a positive use determination 30 TAC 17.2

30 TAC 17.3(11) defines pollution control property: "[a] facility, device, or method for control of air, water, or land pollution as defined by TTC, §11.31(b).

#### Use Determination Criteria

The clay storage facility at issue here was designed and constructed, and is used to meet or exceed laws, rules, or regulations adopted by TCEQ and EPA for the prevention, monitoring, control, and reduction of air pollution. The following are the laws and regulations the Company's clay storage facility is required to satisfy.

1. Air permit, no. 19841 (presented in Attachment C), issued pursuant to 30 TAC 116, related TCEQ regulations, the Texas Clean Air Act, and the Federal Clean Air Act Amendments of 1990.

A. Special Condition 11 states: "Storage and handling of raw materials shall be inside of a building. The clay storage facility is necessary to meet this requirement.

B. Special Condition 15 states "Stockpiles shall be partially enclosed and sprinkled with water and/or environmentally sensitive chemicals as necessary to achieve maximum control of fugitive dust emissions." The clay storage facility is necessary to meet this requirement.

C. Special Condition 6 states: "No visible emissions shall leave the property. The clay storage facility is necessary to meet this requirement.

D. Special Condition 3 states: "These facilities shall comply with all applicable requirements of the U.S. Environmental Protection Agency (EPA) regulations on Standard of Performance for New Stationary Sources in Title 40 Code of Federal Regulations (40 CFR) Part 60, Subparts A and OOO promulgated for Nonmetallic Mineral Processing Plant" The Company's factory is a Nonmetallic Mineral Processing Plant Clay is defined as a nonmetallic mineral in part, because clay is defined as a nonmetallic mineral. Subpart OOO imposes fugitive dust emissions management requirements on the bins in the clay storage facility

pursuant to 40 CFR 60.672(b). These storage bins are subject to this requirement because they meet the definition of a storage bin in these regulations. See 40 CFR 60.671.

The Company made these points in its July 23 submittal in response to a TCEQ inquiry on its Application. That submittal is provided in Attachment E.

2. 30 TAC 111 Visible Emissions

Control is required of particulate emissions from the clay storage facility in the form of visible emissions.

A. 30 TAC 111.111(a)(7)(A), limits visible emissions/particulate emissions from structures, using a specific measurement method.

B. 30 TAC 111.151, which states: No person may cause, suffer, allow, or permit emissions of particulate matter from any source to exceed the allowable rates specified in Table 1 as follows, except as provided by §111.153 of this title," and

3. 30 TAC 122, 40 CFR Part 70 and Title V permit no. O1147 (presented in Attachment F)

A. Special Condition 8. The terms of the Company's NSR air permit, no. 19841, including each of the Special Conditions cited in 1. above, are incorporated by reference and enforceable as well pursuant to the Company's Title V permit, no. O1147.

B. Special Condition 5. The requirements of the NSPS standard identified in 1.D. above are incorporated by reference and enforceable pursuant to the Company's Title V permit O1147.

C. Special Condition 3. The visible emissions requirements identified in 2.A. above are incorporated by reference and enforceable pursuant to the Company's Title V permit O1147.

The clay storage facility at issue here was constructed and designed and is used to meet each of the legal requirements cited above. It thus meets the first Use Determination Criteria in 30 TAC 17.4(a).

The clay storage facility is also required to meet the remaining Use Determination criteria in 30 TAC 17.4(a) reprinted below in italics. It does, as described in the regular font response following each of these criteria below.

*(1) Property must have been constructed, acquired, or installed after January 1, 1994.*

The clay storage facility was constructed starting in 2007

*(2) Land must include only the portion of the land acquired after January 1, 1994, that actually contains pollution control property.*

Though the land for construction of the clay storage facility was acquired for this express purpose in 2007, that value was not claimed by the Company in its application.

*(3) Equipment, structures, buildings, or devices must not have been taxable by any taxing unit in Texas on or before January 1, 1994, except that if construction of pollution control property was in progress on January 1, 1994, that portion of the property constructed, acquired, or installed after January 1, 1994, is eligible for a positive use determination.*

The clay storage facility was constructed starting in 2007 and was not taxable before then.

TCEQ's determination to grant a 100 percent positive use determination was clearly correct.

#### Response to Appeal

The Dallas County Appraisal District makes one point, and only one point, in its Appeal: the clay storage facility might be used for a non-qualifying purpose. The Appeal does not argue that the clay storage facility is not subject to the laws and regulations cited by the Company in its application, so that is not ripe for review. There is no question that the clay storage facility is subject to many legal requirements that satisfy the Use Determination criteria.

The clay storage facility is an integral part of a tile manufacturing factory, as described above. The factory has produced ceramic tile for 27 years and recent investments, which are subject to local property taxation, make it clear that this facility will be doing so for years and years to come. The clay storage facility's height, its storage bins, its location at the Company tile manufacturing plant, its relation to other tile production activities, and its construction to handle hundreds of millions of pounds of raw materials, individually and together, describe a "facility and device" engaged in the control of air pollution.

This Appeal states that the clay storage facility should not be exempt "simply because someone elected to store clay with the walls." This is not a case of "simple selection," whatever that may imply. The Company made a very careful, considered decision on whether and how best to construct this facility to satisfy the applicable air pollution-related and operational requirements. If the clay storage facility were not integral to the Company's tile manufacturing

plant, maybe the Appeal would have some merit. Maybe it wouldn't. But, the fact is that here the clay storage facility is integral to the Company's tile manufacturing plant and is constructed, located and designed for that purpose. The Appeal would have the TCEQ treat all clay storage buildings wherever located or configured the same. This is not the law.

The Appeal also seems to suggest that the clay storage facility is a common warehouse that could be used to store anything by anyone. While one might suppose one could use the clay storage facility to store anything, this proves little: this could be said of any other facility of its size. The fact is that the Company owns the clay storage facility, the facility is subject to many air pollution control requirements and it will remain in this service for years to come. A common warehouse lacks the design features described above of this clay storage facility. Among many differences, a common warehouse is not constructed of materials designed for indoor truck delivery of hundreds of millions of pounds of raw materials, and does not have concrete bins for handling of those raw materials. A common warehouse is not subject to TCEQ or EPA requirements, and has no air permit, much less two air permits, to satisfy every day of the year.

Additionally, Item No. S-22 on the Equipment and Categories List, entitled Fugitive Emissions Containment Structure supports TCEQ's positive use determination here. The item states:

Structures or equipment used to contain or reduce fugitive emissions ... (e.g. enclosed areas for loading and unloading activities, etc.)

The Company's clay storage facility squarely fits this description: an enclosed area for loading and unloading activities to contain or reduce fugitive emissions. The agency's 100% positive use determination is equally supportable on this basis.

The Company's tax treatment of the clay storage facility confirms its intentions. It depreciates this clay storage facility according to IRS Code requirements over a period in excess of 30 years, signifying the dedicated duration of service to the Company's tile manufacturing factory.

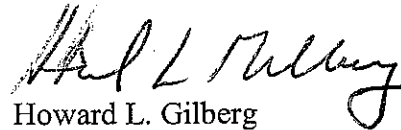
Finally, there is binding legal precedent in the Company's favor. In 1998, the Company sought and the TNRCC granted a 100 percent positive use determination for enclosed clay storage at the Company's tile factory. See documents provided in Attachment G. Not only did the Dallas County Appraisal District not challenge that use determination, it rightfully granted the resulting property tax exemption to the Company. Nothing alleged in the Appeal herein is a new issue outside this precedent. The parties are bound by this precedent.

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Texas Commission on Environmental Quality  
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Conclusion

The Appeal is meritless and must be rejected. The agency acted in accordance with law on August 18, 2009 by granting a 100 percent positive use determination to the Company for the clay storage facility.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "H. L. Gilberg", is written over a horizontal line.

Howard L. Gilberg  
Direct Dial: 214.692.7121  
E-mail: [gilberg@gsfpc.com](mailto:gilberg@gsfpc.com)

HLG:sjh

cc: All persons on the attached mailing list  
19494v2.DM



Mailing List  
American Marazzi Tile Inc.  
TCEQ Docket No. 2009-1598-MIS-U

American Marazzi Tile Inc.  
359 Clay Rd.  
Sunnyvale, Texas 75182

Steven T. Wiederwax  
American Marazzi Tile Inc.  
359 Clay Rd.  
Sunnyvale, Texas 75182  
972/226-0110 FAX 972/226-2263

Chief Appraiser  
Dallas County Appraisal District  
2949 N. Stemmons Freeway  
Dallas, Texas 75247

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Kyle Lucas  
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Resolution Program MC 222  
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Austin, Texas 78711-3087  
512/239-0687 FAX 512/239-4015

### **Attachments**

Attachment A	TCEQ Use Determination dated August 18, 2009
Attachment B	Company Application for Use Determination dated June 23, 2009
Attachment C	March 2007 NSR Permit 19841
Attachment D	Clay Storage Facility Photographs
Attachment E	Company Letter to TCEQ dated July 23, 2009 in support of Application for Use Determination
Attachment F	Title V permit O1147, revised as of July 2007
Attachment G	1998 TNRCC 100% Positive Use Determination for Company Clay Storage Shed

## **ATTACHMENT A**

Buddy Garcia, *Chairman*  
Larry R. Soward, *Commissioner*  
Bryan W. Shaw, Ph.D., *Commissioner*  
Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
*Protecting Texas by Reducing and Preventing Pollution*  
**USE DETERMINATION**

The Texas Commission on Environmental Quality has reviewed Use Determination Application 13868, filed by:

AMERICAN MARAZZI TILE INC  
AMERICAN MARAZZI TILE INC  
359 CLAY RD  
SUNNYVALE TX 75182

The pollution control property/project listed in the Use Determination Application is:

Installed three new dust collectors, hoods, and dust collection systems. Constructed eleven new stacks and modified one existing stack. Constructed a new clay storage facility. Installed wastewater treatment systems. Constructed a storm water diversion system.

The outcome of the review is:

A positive use determination of 100% for the three new dust collectors, hoods, and dust collection systems; the new clay storage facility; the wastewater treatment systems, and the stormwater diversion system. A positive use determination of the 100% of portion of the costs of the eleven new stacks and the one modified stack that is related to pollution control. The pollution control portion of a stack is that portion of the stack height that is additional to the stack height required to operate the equipment attached to the stack.

This equipment is considered to be pollution control equipment and was installed to meet or exceed federal or state regulations.

A handwritten signature in black ink, appearing to read "Mark Vickery".

Executive Director

8/18/2009  
Date

## **ATTACHMENT B**

**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
APPLICATION FOR USE DETERMINATION  
FOR POLLUTION CONTROL PROPERTY**

The TCEQ has the responsibility to determine whether a property is a pollution control property. A person seeking a use determination must complete the attached application or a copy or similar reproduction. For assistance in completing this form refer to the TCEQ guidelines document, *Property Tax Exemptions for Pollution Control Property*, as well as 30 TAC §17. rules governing this program. For additional assistance please contact the Tax Relief for Pollution Control Property Program at (512) 239-3100. The application should be completed and mailed, along with a complete copy and the appropriate fee, to: TCEQ MC-214, Cashiers Office, PO Box 13088, Austin, Texas 78711-3088.

**Information must be provided for each field unless otherwise noted.**

**1. GENERAL INFORMATION**

A. What is the type of ownership of this facility?

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Corporation | <input type="checkbox"/> Sole Proprietor |
| <input type="checkbox"/> Partnership            | <input type="checkbox"/> Utility         |
| <input type="checkbox"/> Limited Partnership    | <input type="checkbox"/> Other:          |

B. Size of company: Number of Employees

- |  |   |
|--|---|
| <input type="checkbox"/> 1 to 99               | <input type="checkbox"/> 1,000 to 1,999 |
| <input checked="" type="checkbox"/> 100 to 499 | <input type="checkbox"/> 2,000 to 4,999 |
| <input type="checkbox"/> 500 to 999            | <input type="checkbox"/> 5,000 or more  |

C. Business Description: (Provide a brief description of the type of business or activity at the facility)

Ceramic Tile Manufacturer

**2. TYPE OF APPLICATION**

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Tier I \$150 Fee | <input type="checkbox"/> Tier III \$2,500 Fee |
| <input type="checkbox"/> Tier II \$1,000 Fee         | <input type="checkbox"/> Tier IV \$500 Fee    |

*NOTE: Enclose a check, money order to the TCEQ, or a copy of the ePay receipt along with the application to cover the required fee.*

**3. NAME OF APPLICANT**

- |  |                                    |
|--|------------------------------------|
| A. Company Name:                         | <u>American Marazzi Tile, Inc.</u> |
| B. Mailing Address (Street or P.O. Box): | <u>359 Clay Road</u>               |
| C. City, State, and Zip                  | <u>Sunnyvale, TX 75182</u>         |

**4. PHYSICAL LOCATION OF PROPERTY REQUESTING A TAX EXEMPTION**

- |   |                                    |
|---|------------------------------------|
| A. Name of Facility or Unit:                  | <u>American Marazzi Tile, Inc.</u> |
| B. Type of Mfg. Process or Service:           | <u>Ceramic Tile Manufacturer</u>   |
| C. Street Address:                            | <u>359 Clay Road</u>               |
| D. City, State, and Zip:                      | <u>Sunnyvale, TX 75182</u>         |
| E. Tracking Number (Optional):                | <u></u>                            |
| F. Company or Registration Number (Optional): | <u></u>                            |

**5. APPRAISAL DISTRICT WITH TAXING AUTHORITY OVER PROPERTY**

- |                                       |                         |
|---------------------------------------|-------------------------|
| A. Name of Appraisal District:        | <u>Dallas</u>           |
| B. Appraisal District Account Number: | <u>9982058000086100</u> |

6. **CONTACT NAME**

A. Company/Organization Name: American Marazzi Tile, Inc.  
 B. Name of Individual to Contact: Steven Wiederwax  
 C. Mailing Address (Street or P.O. Box): 359 Clay Road  
 D. City, State, and Zip: Sunnyvale, TX 75182  
 E. Telephone number and fax number: 972-226-0110 972-226-0389  
 F. E-Mail address (if available): swiederwax@marazzitile.com

7. **RELEVANT RULE, REGULATION, OR STATUTORY PROVISION**

For each media, please list the specific environmental rule or regulation that is met or exceeded by the installation of this property.

MEDIUM	Rule/Regulation/Law
Air	40 CFR Part 60:672 40 CFR Part 60:Appendix A, 30 TAC 116.111, 30 TAC 111.151
Water	40 CFR 122:26, 403.1, and 403.2
Waste	

8. **DESCRIPTION OF PROPERTY (Complete for all applications)**

Describe the property and how it will be used at your facility. **Do not simply repeat the description from the Equipment & Categories List.** Include sketches of the equipment and flow diagrams of the processes where appropriate. Use additional sheets, if necessary.

(1) Air, Dust Collection System (ECLs: A-1 and A-180) These systems include three new dust collectors, hoods, dust collection systems to reduce emissions of particulate matter into the atmosphere. These systems collect, filter, and exhaust particulate matter either generated by "affected facilities" regulated by 40 CFR Part 60, Subpart OOO, Non Metallic Processing Plants or 30 TAC 111.151. These systems provide exceed the standards for collection and filtration of particulates to meet emission limitations required by Subpart OOO and/or 30 TAC 111.151 and limit ground level concentrations of hazardous substances to below the Health Effects Screening Levels established by the TCEQ.

(2) Stacks (ECLs 181 and 182): Eleven new stacks and one stack was modified in order to exhaust emissions from either the baghouses noted in (1) above or from other new process equipment. Stacks were constructed or modified to meet the standard stack heights required by 30 TAC 111.151.

(3) Fugitive Emission Control (ECL A-6): A new clay storage facility was constructed to control fugitive particulate emissions from the clay piles to comply with 40 CFR Part 60 Subpart OOO, 30 TAC 111.151, and Special Conditions 11 and 15 or permit no. 19841.

(4) Wastewater Treatment Systems (ECLs 58 and 59): These systems collect and treat process wastewater to remove contaminants from the water to levels required by the National Pollution Discharge Elimination Systems standards and the criteria established by the North Texas Municipal Water District.

(5) Stormwater Diversion System (ECL W-57): This system is designed to control and divert stormwater runoff from manufacturing process areas. This system reduce pollutant loading of stormwater runoff that enters the waters of Texas to the levels required by the National Pollution Discharge Elimination Systems standards for stormwater control.

Land: If a use determination is being requested for land, provide a legal description and an accurate drawing of the property in question.

9. **PARTIAL PERCENTAGE CALCULATION**

This section is to be completed for Tier III and IV applications. For information on how to conduct the partial percentage calculation, see the application instructions document. Attach calculation documents to completed application.

10. **PROPERTY CATEGORIES AND COSTS**

List each control device or system for which a use determination is being sought. Provide additional attachments for more than 3 properties.

Property	Taxable on 1/01/94?	DFC Box	ECL #	Estimated Cost	Use %
Land					
Property					
Baghouse Dust Collectors	No	12	A-1	\$1,750,199	0
Dust Collection System	No	12	A-18	\$338,737	0
Stacks	No	12	A-181 & 182	\$813,689	0
Clay Storage Shed	No	12	A-6	\$2,614,838	0
Wastewater Treatment	No	12	W-58 & 59	\$1,262,079	0
Stormwater Diversion System	No	12	W-57	\$823,404	0
Totals				\$7,602,946	



11. **EMISSION REDUCTION INCENTIVE GRANT**

*(For more information about these grants, see the Application Instruction document).*

Will an application for an Emission Reduction Incentive Grant be filed for this property/project?

☐ Yes ☒ No

12. **APPLICATION DEFICIENCIES**

After an initial review of the application, the TCEQ may determine that the information provided with the application is not sufficient to make a use determination. The TCEQ may send a notice of deficiency, requesting additional information that must be provided within 30 days of the written notice.

13. **FORMAL REQUEST FOR SIGNATURE**

By signing this application, you certify that this information is true to the best of your knowledge and belief.

Name: David Carlile

Date: 6/23/07

Title: Vice President, Finance

Company: American Marazzi Tile, Inc.

Under Texas Penal Code, Section 37.10, if you make a false statement on this application, you could receive a jail term of up to one year and a fine up to \$2,000, or a prison term of two to 10 years and a fine of up to \$5,000.

14. **DELINQUENT FEE/PENALTY PROTOCOL**

This form will not be processed until all delinquent fees and/or penalties owed to the TCEQ or the Office of the Attorney General on behalf of the TCEQ are paid in accordance with the Delinquent Fee and Penalty Protocol. (Effective September 1, 2006)

## **ATTACHMENT C**

Kathleen Hartnett White, *Chairman*  
Larry R. Soward, *Commissioner*  
H. S. Buddy Garcia, *Commissioner*  
Glenn Shankle, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
*Protecting Texas by Reducing and Preventing Pollution*

March 29, 2007

Mr. David Carlile  
Vice President of Finance  
American Marazzi Tile, Inc.  
359 Clay Road  
Sunnyvale, Texas 75182

Re: Permit Amendment  
Permit Number: 19841  
Ceramic and Porcelain Tile Manufacturing Facility  
Sunnyvale, Dallas County  
Regulated Entity Number: RN100218080  
Customer Reference Number: CN600129522  
Account Number: DB-1073-N

Dear Mr. Carlile:

This is in response to your letter received October 12, 2006, and your Form PI-1 (General Application for Air Preconstruction Permits and Amendments) concerning the proposed amendment to Permit Number 19841. We understand that you propose to modify existing manufacturing lines, as well as add new manufacturing lines and equipment. Additionally we understand that you propose to produce both red body tile (ceramic and porcelain) and white body porcelain tile. Also, this will acknowledge that your application for the above-referenced amendment is technically complete as of March 21, 2007.

As indicated in Title 30 Texas Administrative Code § 116.116(b) [30 TAC § 116.116(b)], and based on our review, Permit Number 19841 is hereby amended. This information will be incorporated into the existing permit file. Enclosed are revised special conditions pages and a maximum allowable emission rates table to replace those currently attached to your permit. We appreciate your careful review of the special conditions of the permit and assuring that all requirements are consistently met.

This amendment will be automatically void upon the occurrence of any of the following, as indicated in 30 TAC § 116.120(a):

1. Failure to begin construction of the changes authorized by this amendment within 18 months from the date of this authorization.
2. Discontinuance of construction of the changes authorized by this amendment for a period of 18 consecutive months or more.
3. Failure to complete the changes authorized by this amendment within a reasonable time.

Upon request, the Texas Commission on Environmental Quality (TCEQ) Executive Director may grant extensions as allowed in 30 TAC § 116.120(b).

Mr. David Carlile

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March 29, 2007

Re: Permit Number 19841

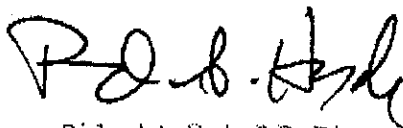
You may file a **motion to overturn** with the Chief Clerk. A motion to overturn is a request for the commission to review the TCEQ Executive Director's approval of the application. Any motion must explain why the commission should review the TCEQ Executive Director's action.

A motion to overturn must be received by the chief clerk within 23 days after the date of this letter. An original and 11 copies of a motion must be filed with the chief clerk in person or by mail. The Chief Clerk's mailing address is Office of the Chief Clerk (MC-105), Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087. On the same day the motion is transmitted to the chief clerk, please provide copies to Mr. Robert Martinez, Director, Environmental Law Division (MC-173), and Mr. Blas J. Coy, Jr., Public Interest Counsel (MC-103), both at the same TCEQ address above. If a motion is not acted on by the commission within 45 days after the date of this letter, then the motion shall be deemed overruled.

Thank you for your cooperation and interest in air pollution control. If you need further information or have any questions, please contact Mr. Joel Stanford at (512) 239-0270 or write to the Texas Commission on Environmental Quality, Office of Permitting, Remediation, and Registration, Air Permits Division (MC-163), P.O. Box 13087, Austin, Texas 78711-3087.

This action is taken under authority delegated by the Executive Director of the TCEQ.

Sincerely,



Richard A. Hyde, P.E., Director  
Air Permits Division  
Office of Permitting, Remediation, and Registration  
Texas Commission on Environmental Quality

RAH/JS/pl

Enclosures

cc: Mr. David Miller, Section Manager, Air Pollution Control Program, City of Dallas Environmental and Health Services, Dallas  
Air Section Manager, Region 4 - Fort Worth

Project Number: 125217

## SPECIAL CONDITIONS

Permit Number 19841

### EMISSION STANDARDS

1. This permit covers only those sources of emissions listed in the attached table entitled "Emission Sources - Maximum Allowable Emission Rates." Total emissions from these facilities shall not exceed the values stated on the maximum allowable emission rates table (MAERT). (2/06)

### FUEL SPECIFICATIONS

2. Fuels used in the dryers and kilns shall be limited to pipeline sweet natural gas containing no more than 0.25 grain of hydrogen sulfide and 5 grains of total sulfur per 100 dry standard cubic feet. Use of any other fuel shall require prior written approval of the Executive Director of the Texas Commission on Environmental Quality (TCEQ). Upon request by the Executive Director of the TCEQ or any local air pollution control program having jurisdiction, the holder of this permit shall provide a sample and/or an analysis of the fuel(s) used in these facilities or shall allow air pollution control program representatives to obtain a sample for analysis. (2/06)

### FEDERAL APPLICABILITY

3. These facilities shall comply with all applicable requirements of the U.S. Environmental Protection Agency (EPA) regulations on Standards of Performance for New Stationary Sources in Title 40 Code of Federal Regulations (40 CFR) Part 60, Subparts A and OOO promulgated for Nonmetallic Mineral Processing Plants. (2/06)
4. These facilities shall comply with all applicable requirements of the EPA Regulations in 40 CFR Part 63, Subparts A and KKKKKK on National Emission Standards for Hazardous Air Pollutants promulgated for Clay Ceramics Manufacturing. (2/06)

### OPACITY/VISIBLE EMISSION LIMITATIONS

5. In accordance with EPA Test Method (TM) 9, or equivalent, and except for those periods described in Title 30 Texas Administrative Code (30 TAC) §§ 101.201 and 101.211, opacity of emissions from the dryers, kilns, kiln coolers and all baghouse stacks shall not exceed 5 percent opacity averaged over a six-minute period. (2/06)

# **SPECIAL CONDITIONS**

Permit Number 19841

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6. No visible emissions shall leave the property. Visible emissions shall be determined by a standard of no visible emissions exceeding 30 seconds in duration in any six-minute period as determined using EPA TM 22 or equivalent. If this condition is violated, additional controls or process changes may be required to limit visible particulate matter (PM) emissions. (2/06)

## **OPERATIONAL LIMITATIONS AND WORK PRACTICES**

7. The maximum production rates for all kilns shall be limited to the maximum hourly and annual production rates as represented in the confidential file application received by the Air Permits Division. (3/07)
8. Tile production shall be limited to a maximum of 8,520 operating hours per year. Kilns may operate for 8,760 hours per year. (3/07)
9. Baghouses, properly installed and in good working order shall control PM emissions from the following sources: (3/07)

Source Name	Baghouse Name	Emissions Point Number (EPN)
Batching/Milling Processes Batching/Milling Processes Glaze Prep/Glaze Lines 1 and 2 Batching/Milling Processes	BP-2A BP-2B BP-2C BP-2D	BP-2
Spray Dryer 1 Spray Dryer 2	BP-3 BP-4A BP-4B	BP-3
Presses 1-7 and Glaze Lines 3-9	CS-1 CS-2 CS-3 CS-4	CS
Spray Dryer 3	BP-5A BP-5B	BP-5
Presses 10-14 and Conveyor Systems Plant 2 Glaze Lines 10-14	P2-CSA P2-CS2B	CS-B

## SPECIAL CONDITIONS

Permit Number 19841

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10. All hooding, duct, and collection systems shall be effective in capturing emissions from the intended equipment and in preventing fugitive emissions from the building. The hooding and/or duct system shall be maintained free of holes, cracks, and other conditions that would reduce the collection efficiency of the emissions capture system. (3/07)
11. Storage and handling of raw materials shall be inside of a building. (3/07)
12. The green (unfired) body material sulfur content shall be limited to 0.0175 percent. (3/07)
13. All raw material loading hoppers, crushers, conveying equipment, transfer points, and screeners shall be located within a building and maintained under negative pressure. (3/07)
14. All in-plant roads shall be paved with a cohesive hard surface and cleaned as necessary to maintain compliance with all TCEQ rules and regulations. All other roads and stockpiles shall be sprinkled with water and/or environmentally sensitive chemicals upon detection of visible particulate emissions to maintain compliance with all TCEQ rules and regulations. (3/07)
15. Stockpiles shall be partially enclosed and sprinkled with water and/or environmentally sensitive chemicals as necessary to achieve maximum control of fugitive dust emissions. (2/06)
16. Spillage of any raw products or waste products shall be picked up and properly disposed of on a daily basis. All lead-bearing material spills shall be cleaned up immediately. Cleanup of the spills shall be accomplished with no visible emissions leaving the property. (2/06)
17. The holder of this permit shall physically identify and mark in a conspicuous location all equipment that has the potential of emitting air contaminants as follows:
  - A. The Control Device Identification Numbers (CINs) as submitted to the Emissions Inventory Section of the TCEQ; and
  - B. The EPNs as listed on the MAERT.

## INITIAL DETERMINATION OF COMPLIANCE

18. Within 60 days from the date of achieving maximum production, but not later than 180 days after initial start-up of the operations approved by this amendment, the holder of this permit shall perform stack sampling and other testing to demonstrate compliance with the MAERT and Special Conditions, for the following: (03/07)

## SPECIAL CONDITIONS

Permit Number 19841

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- A. Maximum allowable emission rates for Kiln A Layer 1 Stack (EPN KS-A1), and Kiln A Layer 2 Stack (EPN KS-A2). Air contaminants to be tested for include (but are not limited to) particulate matter (PM), particulate matter equal to or less than 10 microns ( $PM_{10}$ ), volatile organic compounds (VOCs), carbon monoxide (CO), total oxides of nitrogen ( $NO_x$ ), sulfur dioxide ( $SO_2$ ), hydrogen fluoride (HF), and hydrogen chloride (HCl).
- B. Maximum allowable emission rates for Spray Dryer 3 Baghouse Stack (EPN BP-5). Air contaminants to be tested for include (but are not limited to)  $PM_{10}$ .
- C. Maximum allowable emission rates for the Kiln A Pre-Dryer (EPN KD-A). Air contaminants to be tested for include (but are not limited to) PM,  $PM_{10}$ , VOCs, CO,  $NO_x$ ,  $SO_2$ , HF, and HCl.

Emissions shall be determined by appropriate EPA and/or TCEQ reference methods as approved, in writing, by the TCEQ Executive Director. Any testing of hydrogen chloride and hydrogen fluoride emissions will be performed using EPA Method 320. Sampling shall demonstrate that these units are achieving less than or equal to the applicable maximum allowable emission limits for all permitted pollutants.

- 19. If glazes containing hexavalent chromium are used at this facility, the holder of this permit shall perform stack sampling and other testing during the initial production run to demonstrate compliance with the MAERT and Special Conditions, for the following: (3/07)

Maximum allowable hexavalent chromium emission rates for the batching, milling, and glaze prep processes (EPN BP-2), and the glaze lines using glazes containing hexavalent chromium (EPN BP-2, and/or EPN CS, and/or EPN CS-B).

- 20. If glazes are used containing greater amounts of hexavalent chromium percent by weight than that for which sampling has been successfully performed, the holder of this permit shall be required to perform additional sampling as outlined in Special Condition No. 19. (03/07)
- 21. If stack test results as required by Special Condition Nos. 19 and/or 20 indicate that actual emissions of hexavalent chromium are greater than permitted amounts the holder of this permit shall immediately cease using the glaze demonstrating an exceedance of the MAERT.

## CONTINUOUS DETERMINATION OF COMPLIANCE

- 22. Upon being informed by the TCEQ Executive Director that the staff has documented visible emissions from emission points within these facilities exceeding 5 percent opacity averaged over six consecutive minutes, the holder of this permit may be required to conduct stack



## SPECIAL CONDITIONS

Permit Number 19841

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- sampling analyses or other tests to prove satisfactory equipment performance and demonstrate compliance with this permit. Sampling must be conducted in accordance with appropriate procedures of the TCEQ Sampling Procedures Manual or in accordance with applicable EPA Code of Federal Regulations procedures. Any deviations from those procedures must be approved by the TCEQ Executive Director prior to sampling. (2/06)
23. Daily emissions observations shall be performed at the Spray Dryers 1 and 2 Baghouse Stack, and the Spray Dryer 3 Baghouse Stack (EPNs BP-3 and BP-5). (3/07)
- A. Visible emissions observations shall be made and recorded once per day from each stack. To properly determine the presence of visible emissions, all sources must be in clear view of the observer. The observer shall be at least 15 feet, but not more than 1,320 feet, away from the emission source during the observation. The observer shall select a position where the sun is not directly in the observer's eyes. If the observations cannot be conducted due to weather conditions, the date, time, and specific weather conditions shall be recorded. When condensed water vapor is present within the plume, as it emerges from the emissions outlet, observations must be made beyond the point in the plume at which condensed water vapor is no longer visible. When water vapor within the plume condenses and becomes visible at a distance from the emissions outlet, the observation shall be evaluated at the outlet prior to condensation of water vapor.
- B. If visible emissions are observed, the permit holder shall report a deviation. As an alternative, the permit holder may determine the opacity, consistent with TM 9, as soon as practicable but no later than 24 hours after observing visible emissions. If the result of TM 9 is an opacity above 5 percent, the permit holder shall report a deviation.
24. The control devices shall not have a bypass. (3/07)
25. The holder of this permit shall ensure that plant personnel, in the course of their daily activities observe proper operation of hooding, duct, and collection systems to verify there are no holes, cracks, and/or other conditions that would reduce the collection efficiency of the emission capture system as represented. If the capture system is not operating properly or is not achieving the represented collection efficiency, the permit holder shall promptly take necessary corrective action. (3/07)

## SAMPLING REQUIREMENTS

26. The holder of this permit is responsible for providing sampling and testing facilities and conducting the sampling and testing operations at their expense. Sampling ports and platforms shall be incorporated into the design of the stacks according to the specifications set forth in

## SPECIAL CONDITIONS

Permit Number 19841

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the attachment entitled "Chapter 2, Stack Sampling Facilities" prior to stack sampling. Alternate sampling facility designs may be submitted for approval by the TCEQ Regional Office with jurisdiction or the TCEQ Compliance Support Division. (3/07)

27. A pretest meeting shall be held with personnel from the TCEQ before the required tests are performed. The TCEQ Regional Office with jurisdiction and the TCEQ Compliance Support Division in Austin shall be notified not less than 45 days prior to sampling to schedule a pretest meeting. Test methods to be used shall be determined at this pretest meeting. The notice shall include: (3/07)
  - A. Date for pretest meeting.
  - B. Date sampling will occur.
  - C. Name of firm conducting sampling.
  - D. Type of sampling equipment to be used
  - E. Method or procedure to be used in sampling.
28. Alternate sampling methods and representative unit testing may be proposed by the permit holder. A written proposed description of any deviation from sampling procedures or emission sources specified in permit conditions or TCEQ or EPA sampling procedures shall be made available to the TCEQ prior to the pretest meeting. Such proposal must be approved, in writing, by the TCEQ Regional Office with jurisdiction and the TCEQ Austin Compliance Support Division or TCEQ Office of Permitting, Remediation, and Registration, Air Permits Division at least two weeks prior to sampling. (3/07)
29. Requests to waive testing for any pollutant specified shall be submitted, in writing, for approval to the TCEQ Office of Permitting, Remediation, and Registration, Air Permits Division in Austin. (3/07)
30. During stack sampling emission testing, the facilities shall operate at maximum represented production/throughput rates. Primary operating parameters (including but not limited to production/throughput rates and, as applicable, glaze hexavalent chromium content percent by weight) for the kiln, spray dryer, pre-dryer, and/or the baghouse(s) controlling glaze emissions shall be monitored and recorded during the stack test. (3/07)

If the facility is unable to operate at the maximum represented production/throughput rates during testing then additional stack testing shall be required when the tile production rate exceeds the previous stack test production rate by +10 percent unless otherwise determined, in writing, by the TCEQ Executive Director. If the baghouses are unable to operate at maximum represented air flow rates during testing, then operating air flow rates may be limited to those rates achieved during testing. (3/07)

## SPECIAL CONDITIONS

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31. Requests for additional time to perform sampling shall be submitted to the TCEQ Regional Office with jurisdiction. Additional time to comply with the applicable federal requirements requires the EPA approval, and requests shall be submitted to the TCEQ Compliance Support Division in Austin. (3/07)
32. The sampling report shall include the following: (3/07)
  - A. Production/throughput rate, in tons per hour;
  - B. Hexavalent chromium content in percentage by weight (as applicable); and
  - C. Any other pertinent parameters, as determined at the pretest meeting.
33. Two copies of the final sampling report shall be forwarded to the TCEQ within 90 days after sampling is completed. Sampling reports shall comply with the attached provisions of Chapter 14 of the TCEQ Sampling Procedures Manual. The reports shall be distributed as follows: (03/07)

One copy to the TCEQ Regional Office with jurisdiction.

One copy to the TCEQ Office of Permitting, Remediation, and Registration, Air Permits Division in Austin.

## RECORDKEEPING

34. In addition to the recordkeeping requirements specified in the general conditions, the following records shall be maintained on-site and made available upon request to representatives of the TCEQ or any other air pollution control program having jurisdiction. These records shall be retained for a rolling 60-month period: (3/07)
  - A. Monthly records of total production rates for each kiln. From these records, an annual total shall be calculated on a rolling 12-month period basis;
  - B. Material Safety Data Sheets or speciated chemical information for all glaze materials that are in use on site at this facility;
  - C. Sulfur content of green (unfired) body material;
  - D. Hours of operation for each unit;
  - E. Observations of capture systems and abatement devices shall be recorded at least once per month;

SPECIAL CONDITIONS

Permit Number 19841

Page 8

- F. Records of all repairs, scheduled cleaning, and maintenance of abatement equipment; and
- G. All monitoring data and support information as specified in 30 TAC § 122.144.

OTHER CONDITIONS

- 35. A Permit-by-Rule shall not be used to authorize sources of emissions of hexavalent chromium. (3/07)

Dated March 29, 2007

# EMISSION SOURCES - MAXIMUM ALLOWABLE EMISSION RATES

Permit Number 19841

This table lists the maximum allowable emission rates and all sources of air contaminants on the applicant's property covered by this permit. The emission rates shown are those derived from information submitted as part of the application for permit and are the maximum rates allowed for these facilities. Any proposed increase in emission rates may require an application for a modification of the facilities covered by this permit.

## AIR CONTAMINANTS DATA

Emission Point No. (1)	Source Name (2)	Air Contaminant Name (3)	Emission Rates	
			lb/hr	TPY
BP-2	Batching/Milling Processes/Glaze Prep/Glaze Lines 1 and 2 Baghouse Stack (Baghouses BP-2A, BP-2B, BP-2C, BP-2D)	PM/PM <sub>10</sub>	4.86	20.70
		Cr <sup>6+</sup> (6)	0.005	0.02
BP-3	Spray Dryers 1 and 2 Baghouse Stack (Baghouses BP-3, BP-4A, BP-4B)	PM/PM <sub>10</sub>	5.13	21.84
		VOC	0.25	1.09
		CO	3.89	16.58
		NO <sub>x</sub>	4.63	19.74
		SO <sub>2</sub>	0.63	2.68
CS	Presses 1-7 and Glaze Lines 3-9 Baghouse Stack (Baghouses CS-1, CS-2, CS-3, CS-4)	PM/PM <sub>10</sub>	8.85	37.70
		Cr <sup>6+</sup> (6)	0.005	0.02
PR-1	Press Dryer 1	PM/PM <sub>10</sub>	0.38	1.61
		VOC	0.01	0.05
		CO	2.54	10.81
		NO <sub>x</sub>	0.13	0.53
		SO <sub>2</sub>	<0.01	0.01
PR-2	Press Dryer 2	PM/PM <sub>10</sub>	0.38	1.61
		VOC	0.01	0.05
		CO	2.54	10.81
		NO <sub>x</sub>	0.13	0.53
		SO <sub>2</sub>	<0.01	0.01

## EMISSION SOURCES - MAXIMUM ALLOWABLE EMISSION RATES

## AIR CONTAMINANTS DATA

Emission Point No. (1)	Source Name (2)	Air Contaminant Name (3)	Emission Rates	
			lb/hr	TPY
PR-3	Press Dryer 3	PM/PM <sub>10</sub>	0.38	1.61
		VOC	0.01	0.05
		CO	2.54	10.81
		NO <sub>x</sub>	0.13	0.53
		SO <sub>2</sub>	<0.01	0.01
PR-4	Press Dryer 4	PM/PM <sub>10</sub>	0.38	1.61
		VOC	0.01	0.05
		CO	2.54	10.81
		NO <sub>x</sub>	0.13	0.53
		SO <sub>2</sub>	<0.01	0.01
PR-5	Press Dryer 5	PM/PM <sub>10</sub>	0.38	1.61
		VOC	0.01	0.05
		CO	2.54	10.81
		NO <sub>x</sub>	0.13	0.53
		SO <sub>2</sub>	<0.01	0.01
PR-6	Press Dryer 6	PM/PM <sub>10</sub>	0.38	1.61
		VOC	0.01	0.05
		CO	2.54	10.81
		NO <sub>x</sub>	0.13	0.53
		SO <sub>2</sub>	<0.01	0.01
PR-7	Press Dryer 7	PM/PM <sub>10</sub>	0.38	1.61
		VOC	0.01	0.05
		CO	2.54	10.81
		NO <sub>x</sub>	0.13	0.53
		SO <sub>2</sub>	<0.01	0.01

## EMISSION SOURCES - MAXIMUM ALLOWABLE EMISSION RATES

## AIR CONTAMINANTS DATA

Emission Point No. (1)	Source Name (2)	Air Contaminant Name (3)	Emission Rates	
			lb/hr	TPY
KS-1	Kiln 1 Stack	PM/PM <sub>10</sub> (7)	2.44	10.41
		VOC	0.26	1.11
		CO	0.30	1.39
		NO <sub>x</sub>	3.51	15.10
		SO <sub>2</sub>	0.22	0.95
		HF	1.35	5.76
		HCl	1.14	4.87
		Pb (5)	0.01	0.05
KS-2	Kiln 2 Stack	PM/PM <sub>10</sub> (7)	3.47	14.78
		VOC	0.23	1.00
		CO	0.27	1.26
		NO <sub>x</sub>	3.16	13.61
		SO <sub>2</sub>	0.20	0.85
		HF	1.22	5.19
		HCl	1.03	4.39
		Pb (5)	0.01	0.05
KS-3	Kiln 3 Stack	PM/PM <sub>10</sub> (7)	1.32	5.64
		VOC	0.23	1.00
		CO	0.27	1.26
		NO <sub>x</sub>	3.16	13.61
		SO <sub>2</sub>	0.20	0.85
		HF	1.22	5.19
		HCl	1.03	4.39
		Pb (5)	0.01	0.05
KS-4	Kiln 4 Stack	PM/PM <sub>10</sub> (7)	1.97	8.40
		VOC	0.35	1.48
		CO	0.40	1.87
		NO <sub>x</sub>	4.70	20.24
		SO <sub>2</sub>	0.30	1.27
		HF	1.81	7.72
		HCl	1.53	6.53
		Pb (5)	0.02	0.08

## EMISSION SOURCES - MAXIMUM ALLOWABLE EMISSION RATES

## AIR CONTAMINANTS DATA

Emission Point No. (1)	Source Name (2)	Air Contaminant Name (3)	Emission Rates	
			lb/hr	TPY
KC-1	Kiln 1 Cooler Stack	PM/PM <sub>10</sub> (7)	2.52	10.73
		HF	0.11	0.47
		HCl	0.31	1.32
		Pb (5)	0.002	0.01
KC-2	Kiln 2 Cooler Stack	PM/PM <sub>10</sub> (7)	0.29	1.22
		HF	0.10	0.43
		HCl	0.28	1.19
		Pb (5)	0.0001	0.0003
KC-3	Kiln 3 Cooler Stack	PM/PM <sub>10</sub> (7)	1.32	5.63
		HF	0.10	0.43
		HCl	0.28	1.19
		Pb (5)	0.0001	0.0003
KC-4	Kiln 4 Cooler Stack	PM/PM <sub>10</sub> (7)	1.97	8.38
		HF	0.15	0.63
		HCl	0.42	1.77
		Pb (5)	0.001	0.004
BP-5	Spray Dryer 3 Baghouse Stack (Baghouses BP-5A, BP-5B)	PM/PM <sub>10</sub>	1.93	8.22
		VOC	0.24	1.03
		CO	3.69	15.72
		NO <sub>x</sub>	4.39	18.71
		SO <sub>2</sub>	0.66	2.82
PR-10	Press Dryer 10	PM/PM <sub>10</sub>	0.38	1.61
		VOC	0.01	0.05
		CO	2.54	10.81
		NO <sub>x</sub>	0.14	0.61
		SO <sub>2</sub>	<0.01	0.01



## EMISSION SOURCES - MAXIMUM ALLOWABLE EMISSION RATES

## AIR CONTAMINANTS DATA

Emission Point No. (1)	Source Name (2)	Air Contaminant Name (3)	Emission Rates	
			lb/hr	TPY
PR-11	Press Dryer 11	PM/PM <sub>10</sub>	0.38	1.61
		VOC	0.01	0.05
		CO	2.54	10.81
		NO <sub>x</sub>	0.14	0.61
		SO <sub>2</sub>	<0.01	0.01
PR-12	Press Dryer 12	PM/PM <sub>10</sub>	0.38	1.61
		VOC	0.01	0.05
		CO	2.54	10.81
		NO <sub>x</sub>	0.14	0.61
		SO <sub>2</sub>	<0.01	0.01
PR-13	Press Dryer 13	PM/PM <sub>10</sub>	0.38	1.61
		VOC	0.01	0.05
		CO	2.54	10.81
		NO <sub>x</sub>	0.14	0.61
		SO <sub>2</sub>	<0.01	0.01
PR-14	Press Dryer 14	PM/PM <sub>10</sub>	0.38	1.61
		VOC	0.01	0.05
		CO	2.54	10.81
		NO <sub>x</sub>	0.14	0.61
		SO <sub>2</sub>	<0.01	0.01
CS-B	Presses 10-14, Conveyor Systems, and Plant 2 Glaze Lines 10-14 Baghouse Stack (Baghouses P2-CSA, P2-CS2B)	PM/PM <sub>10</sub>	1.50	6.39
		Cr <sup>6+</sup> (6)	0.002	0.01
KS-A1	Kiln A Layer 1 Stack	PM/PM <sub>10</sub> (7)	0.38	1.62
		VOC	0.27	1.18
		CO	0.32	1.48
		NO <sub>x</sub>	3.74	16.08
		SO <sub>2</sub>	1.31	5.58
		HF	1.44	6.13
		HCl	1.22	5.19
		Pb (5)	0.01	0.05

## EMISSION SOURCES - MAXIMUM ALLOWABLE EMISSION RATES

## AIR CONTAMINANTS DATA

Emission Point No. (1)	Source Name (2)	Air Contaminant Name (3)	Emission Rates	
			lb/hr	TPY
KS-A2	Kiln A Layer 2 Stack	PM/PM <sub>10</sub> (7)	0.38	1.62
		VOC	0.27	1.18
		CO	0.32	1.48
		NO <sub>x</sub>	3.74	16.08
		SO <sub>2</sub>	1.31	5.58
		HF	1.44	6.13
		HCl	1.22	5.19
		Pb (5)	0.01	0.05
KS-B1	Kiln B Layer 1 Stack	PM/PM <sub>10</sub> (7)	0.38	1.62
		VOC	0.27	1.18
		CO	0.32	1.48
		NO <sub>x</sub>	3.74	16.08
		SO <sub>2</sub>	1.31	5.58
		HF	1.44	6.13
		HCl	1.22	5.19
		Pb (5)	0.01	0.05
KS-B2	Kiln B Layer 2 Stack	PM/PM <sub>10</sub> (7)	0.38	1.62
		VOC	0.27	1.18
		CO	0.32	1.48
		NO <sub>x</sub>	3.74	16.08
		SO <sub>2</sub>	1.31	5.58
		HF	1.44	6.13
		HCl	1.22	5.19
		Pb (5)	0.01	0.05
KC-A1	Kiln A Cooler Stack1	PM/PM <sub>10</sub> (7)	0.28	1.17
		HF	0.12	0.50
		HCl	0.33	1.41
		Pb (5)	0.001	0.004
KC-A2	Kiln A Cooler Stack 2	PM/PM <sub>10</sub> (7)	0.28	1.17
		HF	0.12	0.50
		HCl	0.33	1.41
		Pb (5)	0.001	0.004

## EMISSION SOURCES - MAXIMUM ALLOWABLE EMISSION RATES

## AIR CONTAMINANTS DATA

Emission Point No. (1)	Source Name (2)	Air Contaminant Name (3)	Emission Rates	
			lb/hr	TPY
KC-B1	Kiln B Cooler Stack 1	PM/PM <sub>10</sub> (7)	0.28	1.17
		HF	0.12	0.50
		HCl	0.33	1.41
		Pb (5)	0.001	0.004
KC-B2	Kiln B Cooler Stack 2	PM/PM <sub>10</sub> (7)	0.28	1.17
		HF	0.12	0.50
		HCl	0.33	1.41
		Pb (5)	0.001	0.004
KD-A	Kiln A Pre-Dryer	PM/PM <sub>10</sub> (7)	0.02	0.08
		VOC	0.01	0.06
		CO	0.02	0.07
		NO <sub>x</sub>	0.19	0.80
		SO <sub>2</sub>	0.07	0.28
		HF	0.07	0.31
		HCl	0.06	0.26
		Pb (5)	0.0003	0.001
KD-B	Kiln B Pre-Dryer	PM/PM <sub>10</sub> (7)	0.02	0.08
		VOC	0.01	0.06
		CO	0.02	0.07
		NO <sub>x</sub>	0.19	0.80
		SO <sub>2</sub>	0.07	0.28
		HF	0.07	0.31
		HCl	0.06	0.26
		Pb (5)	0.0003	0.001
F-1	Raw Material Stockpiles (4) (Stockpile Nos. 1-3)	PM	0.08	0.37
		PM <sub>10</sub>	0.04	0.18

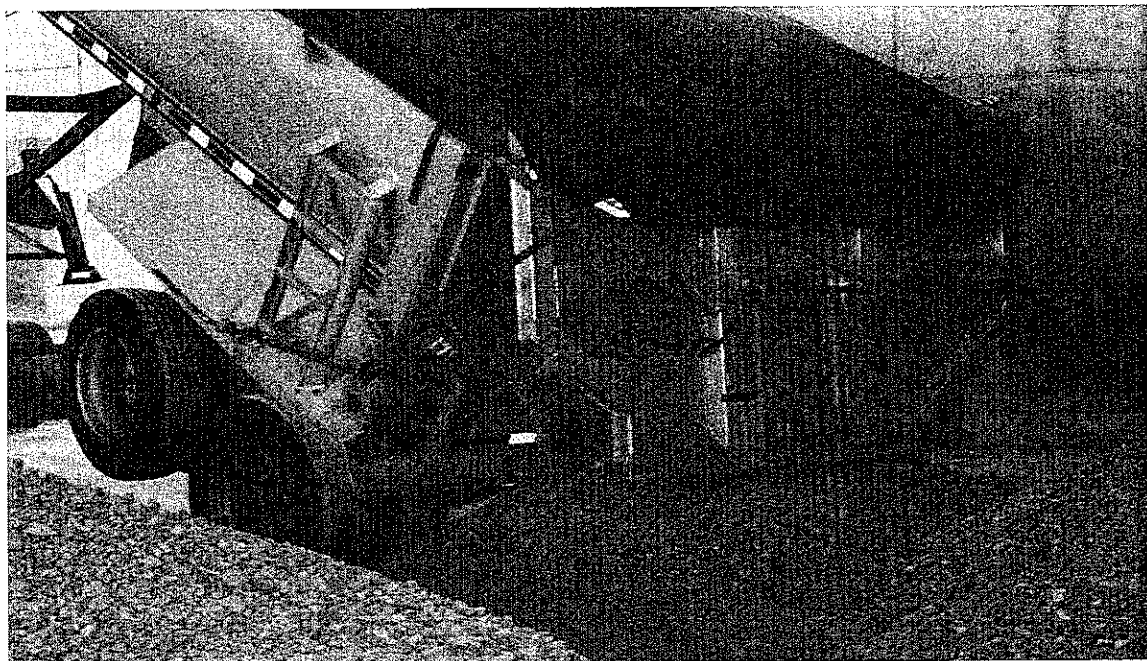
EMISSION SOURCES - MAXIMUM ALLOWABLE EMISSION RATES

- (1) Emission point identification - either specific equipment designation or emission point number from a plot plan.
- (2) Specific point source names. For fugitive sources use area name or fugitive source name.
- (3) PM - particulate matter, suspended in the atmosphere, including PM<sub>10</sub>  
PM<sub>10</sub> - particulate matter equal to or less than 10 microns. Where PM is not listed, it shall be assumed that no PM greater than 10 microns is emitted.  
Pb - lead or lead compounds and separate from PM<sub>10</sub>. (1/98)  
VOC - volatile organic compounds as defined in Title 30 Texas Administrative Code § 101.1  
CO - carbon monoxide  
NO<sub>x</sub> - total oxides of nitrogen  
SO<sub>2</sub> - sulfur dioxide  
HF - hydrogen fluoride  
HCl - hydrogen chloride (02/02)  
Cr<sup>6+</sup> - hexavalent chromium (03/07)
- (4) Fugitive emissions are an estimate only.
- (5) Lead emissions are included in the total hourly and annual PM/PM<sub>10</sub> emission rates.
- (6) Hexavalent chromium emissions are included in the total hourly and annual PM/PM<sub>10</sub> emission rates. (03/07)
- (7) Ammonium chloride emissions constitute a portion of the PM<sub>10</sub> emissions. (02/02)

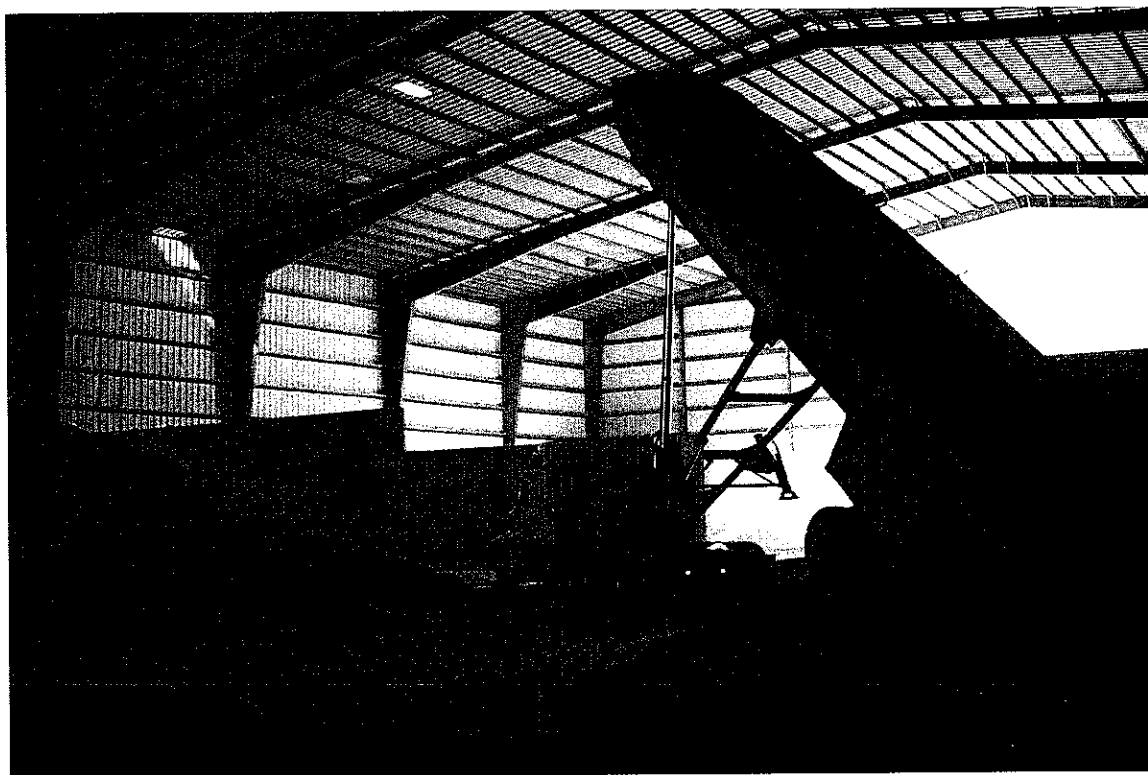
Dated March 29, 2007

## **ATTACHMENT D**

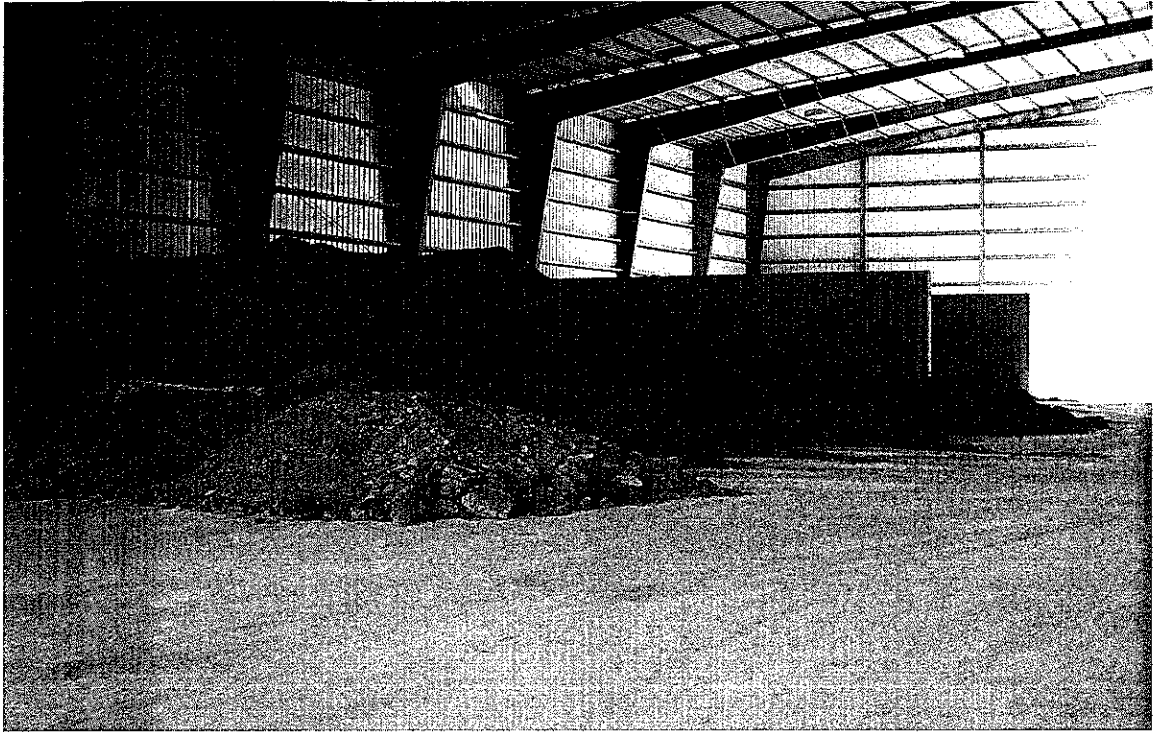
Truck Dumping Load



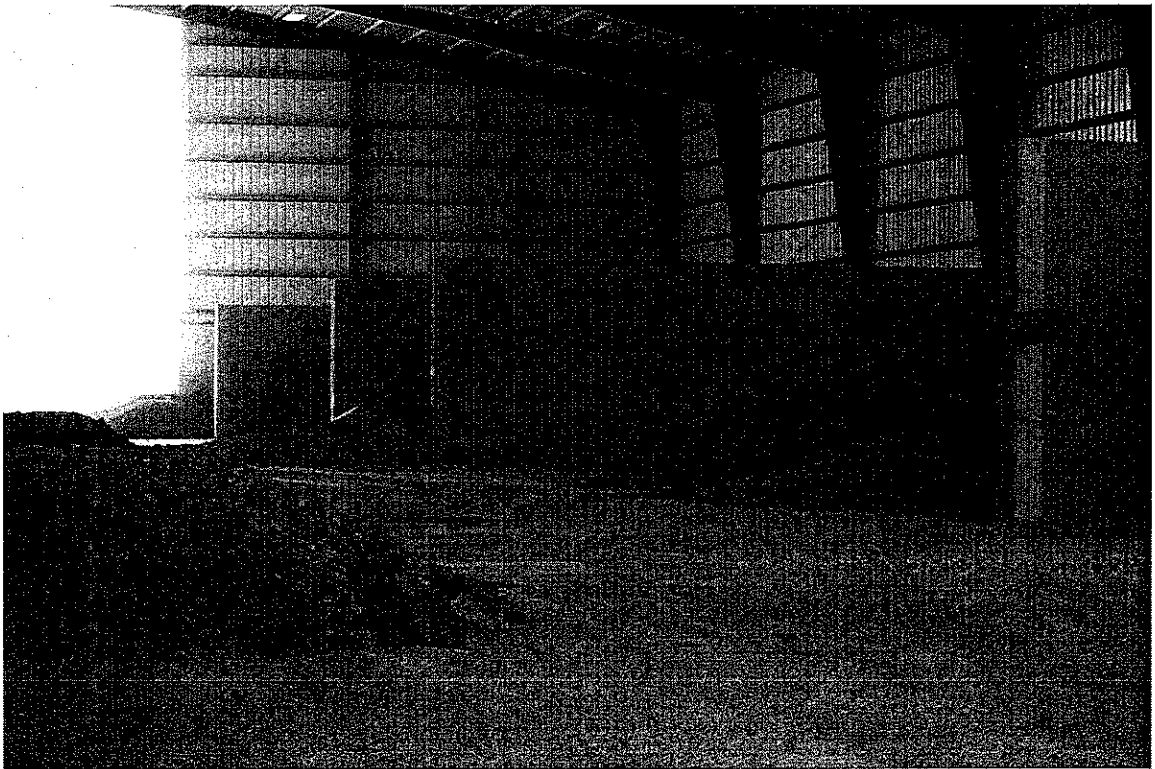
Truck at Full Trailer Elevation



Clay Storage North Interior Wall Looking West to East



Clay Storage South Interior Wall Looking West to East



## **ATTACHMENT E**



**Via Email**

July 23, 2009

Mr. Ronald Hatlett  
Tax Relief for Pollution Control Property Program  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, TX 78711-3087

Re: American Marazzi Tile, Inc.  
359 Clay Road  
Sunnyvale, TX 75182  
Clay Storage Facility  
Request for Additional Information

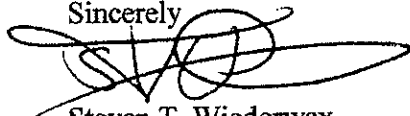
Dear Mr. Hatlett:

The following information is provided in response to your letter of July 10, 2009 that requested information as to what subsection of 40 CFR 60 Subpart OOO required the construction or use of a clay storage facility.

1. 40 CFR §60.671 defines the term Storage bin as: "a facility for storage (including surge bins) of nonmetallic minerals prior to further processing or loading."
2. 40 CFR §60.672(b) requires affected facilities to meet the fugitive emission limits and compliance requirements in Table 3 of Subpart OOO. Table 3 requires the owner or operator to meet the specified fugitive emission limits for storage bins as well as other specific facilities or operations.
3. At American Marazzi Tile, trucks delivering nonmetallic minerals empty their loads directly into storage bins and not into any screening operation, feed hopper, or crusher. Therefore, the §60.672(d) exemption for truck dumping is not applicable to American Marazzi Tile.
4. Further, as noted in our application, Special Condition No. 11 of our air permit, No. 19841, requires the storage and handling of all raw materials to be inside of a building.

You may contact me either by email at [swiederwax@marazzitile.com](mailto:swiederwax@marazzitile.com) or by telephone at 972-226-0110 should you have any additional questions.

Sincerely



Steven T. Wiederwax  
Safety and Environmental Manager

## **ATTACHMENT F**

## FEDERAL OPERATING PERMIT

A FEDERAL OPERATING PERMIT IS HEREBY ISSUED TO

American Marazzi Tile, Inc.

AUTHORIZING THE OPERATION OF

Sunnyvale Facility  
Ceramic Wall and Floor Tile

LOCATED AT

Dallas County, Texas

LATITUDE 32° 46' 01" LONGITUDE 096° 33' 46"

Regulated Entity Number: RN100218080

This permit is issued in accordance with and subject to the Texas Clean Air Act (TCAA), Chapter 382 of the Texas Health and Safety Code and Title 30 Texas Administrative Code Chapter 122 (30 TAC Chapter 122), Federal Operating Permits. Under 30 TAC Chapter 122, this permit constitutes the permit holder's authority to operate the site and emission units listed in this permit. Operation of the site and emission units listed in this permit are subject to all additional rules or amended rules and orders of the Commission pursuant to the TCAA.

This permit does not relieve the permit holder from the responsibility of obtaining New Source Review authorization for new, modified, or existing facilities in accordance with 30 TAC Chapter 116, Control of Air Pollution by Permits for New Construction or Modification.

The site and emission units authorized by this permit shall be operated in accordance with 30 TAC Chapter 122, the general terms and conditions, special terms and conditions, and attachments contained herein.

This permit shall expire five years from the date of issuance. The renewal requirements specified in 30 TAC § 122.241 must be satisfied in order to renew the authorization to operate the site and emission units.

Permit No: O1147 Issuance Date: January 10, 2005



\_\_\_\_\_  
For the Commission

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## **GENERAL TERMS AND CONDITIONS**

The permit holder shall comply with all terms and conditions contained in 30 TAC § 122.143 (General Terms and Conditions), 30 TAC § 122.144 (Recordkeeping Terms and Conditions), 30 TAC § 122.145 (Reporting Terms and Conditions), and 30 TAC § 122.146 (Compliance Certification Terms and Conditions).

If the permit holder chooses to demonstrate that this permit is no longer required, a written request to void this permit shall be submitted to the Texas Commission on Environmental Quality (TCEQ) by the Responsible Official in accordance with 30 TAC § 122.161(e). The permit holder shall comply with the permit's requirements, including compliance certification and deviation reporting, until notified by the TCEQ that this permit is voided.

The permit holder shall comply with 30 TAC Chapter 116 by obtaining a New Source Review authorization prior to new construction or modification of emission units located in the area covered by this permit.

All reports required by this permit shall be forwarded to the TCEQ Regional Office for your site. For reports submitted, please include a cover letter which identifies the following information: company name, TCEQ regulated entity number, site name, area name (if applicable), and Air Permits Division permit number.

## **SPECIAL TERMS AND CONDITIONS:**

### **Emission Limitations and Standards, Monitoring and Testing, and Recordkeeping and Reporting:**

1. Permit holder shall comply with the following requirements:
  - A. Emission units (including groups and processes) in the Applicable Requirements Summary attachment shall meet the limitations, standards, equipment specifications, monitoring, recordkeeping, reporting, testing, and other requirements listed in the Applicable Requirements Summary attachment to assure compliance with the permit.
  - B. The textual description in the column titled "Textual Description" in the Applicable Requirements Summary attachment is not enforceable and is not deemed as a substitute for the actual regulatory language. The Textual Description is provided for information purposes only.
  - C. A citation listed on the Applicable Requirements Summary attachment, which has a notation [G] listed before it, shall include the referenced section and subsection for all commission rules, or paragraphs for all federal and state regulations and all subordinate paragraphs, subparagraphs and clauses, subclauses, and items contained within the referenced citation as applicable requirements.

- D. For the purpose of generating discrete emission reduction credits through 30 TAC Chapter 101, Subchapter H, Division 4 (Discrete Emission Credit Banking and Trading), the permit holder shall comply with the following requirements:
- (i) Title 30 TAC § 101.372 (relating to General Provisions);
  - (ii) Title 30 TAC § 101.373 (relating to Discrete Emission Reduction Credit Generation and Certification);
  - (iii) Title 30 TAC § 101.374 (relating to Mobile Discrete Emission Reduction Credit Generation and Certification);
  - (iv) Title 30 TAC § 101.375 (relating to Emission Reductions Achieved Outside the United States);
  - (v) Title 30 TAC § 101.378 (relating to Discrete Emission Credit Banking and Trading);
  - (vi) The terms and conditions by which the emission limits are established to generate the discrete reduction credit are applicable requirements of this permit.
2. The permit holder shall comply with the following sections of 30 TAC Chapter 101 (General Air Quality Rules):
- A. Title 30 TAC § 101.1 (relating to Definitions), insofar as the terms defined in this section are used to define the terms used in other applicable requirements;
  - B. Title 30 TAC § 101.3 (relating to Circumvention);
  - C. Title 30 TAC § 101.8 (relating to Sampling), if such action has been requested by the TCEQ;
  - D. Title 30 TAC § 101.9 (relating to Sampling Ports), if such action has been requested by the TCEQ;
  - E. Title 30 TAC § 101.10 (relating to Emissions Inventory Requirements);
  - F. Title 30 TAC § 101.201 (relating to Emission Event Reporting and Recordkeeping Requirements);
  - G. Title 30 TAC § 101.211 (relating to Scheduled Maintenance, Startup, and Shutdown Reporting and Recordkeeping Requirements);
  - H. Title 30 TAC § 101.221 (relating to Operational Requirements);

1. Title 30 TAC § 101.222 (relating to Demonstrations);
- J. Title 30 TAC § 101.223 (relating to Actions to Reduce Excessive Emissions).
3. Permit holder shall comply with the following requirements of 30 TAC Chapter 111:
  - A. For stationary vents with a flow rate of less than 100,000 actual cubic feet per minute and constructed after January 31, 1972, that are not listed in the Applicable Requirements Summary attachment, the permit holder shall comply with the following requirements:
    - (i) Title 30 TAC § 111.111(a)(1)(B) (relating to Requirements for Specified Sources);
    - (ii) Title 30 TAC § 111.111(a)(1)(E);
    - (iii) Title 30 TAC § 111.111(a)(1)(F)(i), (ii), (iii), or (iv); and
    - (iv) For emission units with vent emissions subject to 30 TAC § 111.111(a)(1)(B), complying with 30 TAC § 111.111(a)(1)(F)(ii), (iii), or (iv), and capable of producing visible emissions from, but not limited to, particulate matter, acid gases and NO<sub>x</sub>, the permit holder shall also comply with the following periodic monitoring requirements for the purpose of annual compliance certification under 30 TAC § 122.146. These periodic monitoring requirements do not apply to vents that do not emit visible emissions such as vents that emit only VOC or vents that provide passive ventilation, such as plumbing vents; or vents that are subject to the emission limitation of 30 TAC § 111.111(a)(1)(B) and Compliance Assurance Monitoring, as specified in the attached "Applicable Requirements Summary" and "Additional Monitoring Requirements:"
      1. An observation of stationary vents from emission units in operation shall be conducted at least once during each calendar quarter unless the emission unit is not operating for the entire quarter.
      2. For stationary vents from a combustion source, if an alternative to the normally fired fuel is fired for a period greater than or equal to 24 consecutive hours, the permit holder shall conduct an observation of the stationary vent for each such period to determine if visible emissions are present. If such period is greater than 3 months, observations shall be conducted once during each quarter. Supplementing the normally fired fuel with natural gas or fuel gas to increase the net heating value to the minimum required value does not constitute creation of an alternative fuel.
      3. Records of all observations shall be maintained.

4. Visible emissions observations of emission units operated during daylight hours shall be conducted no earlier than one hour after sunrise and no later than one hour before sunset. Visible emissions observations of emission units operated only at night must be made with additional lighting and the temporary installation of contrasting backgrounds. Visible emissions observations shall be made during times when the activities described in 30 TAC § 111.111(a)(1)(E) are not taking place. Visible emissions shall be determined with each stationary vent in clear view of the observer. The observer shall be at least 15 feet, but not more than 0.25 mile, away from each stationary vent during the observation. For outdoor locations, the observer shall select a position where the sun is not directly in the observer's eyes. When condensed water vapor is present within the plume, as it emerges from the emissions outlet, observations must be made beyond the point in the plume at which condensed water vapor is no longer visible. When water vapor within the plume condenses and becomes visible at a distance from the emissions outlet, the observation shall be evaluated at the outlet prior to condensation of water vapor. A certified opacity reader is not required for visible emissions observations.

5. Compliance Certification:

1. If visible emissions are not present during the observation, the RO may certify that the source is in compliance with the applicable opacity requirement in 30 TAC § 111.111(a)(1) and (a)(1)(B).
2. However, if visible emissions are present during the observation, the permit holder shall either list this occurrence as a deviation on the next deviation report as required under 30 TAC § 122.145(2) or conduct the appropriate opacity test specified in 30 TAC § 111.111(a)(1)(F) to determine if the source is in compliance with the opacity requirements. If an opacity test is performed and the source is determined to be in compliance, the RO may certify that the source is in compliance with the applicable opacity requirement. However, if an opacity test is performed and the source is determined to be out of compliance, the permit holder shall list this occurrence as a deviation on the next deviation report as required under 30 TAC § 122.145(2). The opacity test must be performed by a certified opacity reader.



3. Some vents may be subject to multiple visible emission or monitoring requirements. All credible data must be considered when certifying compliance with this requirement even if the observation or monitoring was performed to demonstrate compliance with a different requirement.
- B. For visible emissions from a building, enclosed facility, or other structure; the permit holder shall comply with the following requirements:
- (i) Title 30 TAC § 111.111(a)(7)(A) (relating to Requirements for Specified Sources);
  - (ii) Title 30 TAC § 111.111(a)(7)(B)(i) or (ii); and
  - (iii) For a building containing an air emission source, enclosed facility, or other structure containing or associated with an air emission source subject to 30 TAC § 111.111(a)(7)(A), complying with 30 TAC § 111.111(a)(7)(B)(i) or (ii), and capable of producing visible emissions from, but not limited to, particulate matter, acid gases and NO<sub>x</sub>, the permit holder shall also comply with the following periodic monitoring requirements for the purpose of annual compliance certification under 30 TAC § 122.146:
    1. An observation of visible emissions from a building containing an air emission source, enclosed facility, or other structure containing or associated with an air emission source which is required to comply with 30 TAC § 111.111(a)(7)(A) shall be conducted at least once during each calendar quarter unless the air emission source or enclosed facility is not operating for the entire quarter.
    2. Records of all observations shall be maintained.
    3. Visible emissions observations of air emission sources or enclosed facilities operated during daylight hours shall be conducted no earlier than one hour after sunrise and no later than one hour before sunset. Visible emissions observations of air emission sources or enclosed facilities operated only at night must be made with additional lighting and the temporary installation of contrasting backgrounds. Visible emissions shall be determined with each emissions outlet in clear view of the observer. The observer shall be at least 15 feet, but not more than 0.25 mile, away from each emissions outlet during the observation. For outdoor locations, the observer shall select a position where the sun is not directly in the observer's eyes. When condensed water vapor is present within the plume, as it emerges from the emissions outlet, observations must be made beyond the point in the plume at which condensed water vapor is no longer visible. When water vapor within the plume condenses and becomes

visible at a distance from the emissions outlet, the observation shall be evaluated at the outlet prior to condensation of water vapor. A certified opacity reader is not required for visible emissions observations.

4. Compliance Certification:

1. If visible emissions are not present during the observation, the RO may certify that the source is in compliance with the applicable opacity requirement in 30 TAC § 111.111(a)(7) and (a)(7)(A).
2. However, if visible emissions are present during the observation, the permit holder shall either list this occurrence as a deviation on the next deviation report as required under 30 TAC § 122.145(2) or conduct the appropriate opacity test specified in 30 TAC § 111.111(a)(7)(B) to determine if the source is in compliance with the opacity requirements. If an opacity test is performed and the source is determined to be in compliance, the RO may certify that the source is in compliance with the applicable opacity requirement. However, if an opacity test is performed and the source is determined to be out of compliance, the permit holder shall list this occurrence as a deviation on the next deviation report as required under 30 TAC § 122.145(2). The opacity test must be performed by a certified opacity reader.

C. For visible emissions from all other sources not specified in 30 TAC § 111.111(a)(1), (4), or (7); the permit holder shall comply with the following requirements:

- (i) Title 30 TAC § 111.111(a)(8)(A) (relating to Requirements for Specified Sources);
- (ii) Title 30 TAC § 111.111(a)(8)(B)(i) or (ii); and
- (iii) For a source subject to 30 TAC § 111.111(a)(8)(A), complying with 30 TAC § 111.111(a)(8)(B)(i) or (ii), and capable of producing visible emissions from, but not limited to, particulate matter, acid gases and NO<sub>x</sub>, the permit holder shall also comply with the following periodic monitoring requirements for the purpose of annual compliance certification under 30 TAC § 122.146:
  1. An observation of visible emissions from a source which is required to comply with 30 TAC § 111.111(a)(8)(A) shall be conducted at least once during each calendar quarter unless the source is not operating for the entire quarter.

2. Records of all observations shall be maintained.
3. Visible emissions observations of sources operated during daylight hours shall be conducted no earlier than one hour after sunrise and no later than one hour before sunset. Visible emissions observations of sources operated only at night must be made with additional lighting and the temporary installation of contrasting backgrounds. Visible emissions shall be determined with each source in clear view of the observer. The observer shall be at least 15 feet, but not more than 0.25 mile, away from each source during the observation. For outdoor locations, the observer shall select a position where the sun is not directly in the observer's eyes. When condensed water vapor is present within the plume, as it emerges from the emissions outlet, observations must be made beyond the point in the plume at which condensed water vapor is no longer visible. When water vapor within the plume condenses and becomes visible at a distance from the emissions outlet, the observation shall be evaluated at the outlet prior to condensation of water vapor. A certified opacity reader is not required for visible emissions observations.
4. Compliance Certification:
  1. If visible emissions are not present during the observation, the RO may certify that the source is in compliance with the applicable opacity requirement in 30 TAC § 111.111(a)(8) and (a)(8)(A).
  2. However, if visible emissions are present during the observation, the permit holder shall either list this occurrence as a deviation on the next deviation report as required under 30 TAC § 122.145(2) or conduct the appropriate opacity test specified in 30 TAC § 111.111(a)(8)(B) to determine if the source is in compliance with the opacity requirements. If an opacity test is performed and the source is determined to be in compliance, the RO may certify that the source is in compliance with the applicable opacity requirement. However, if an opacity test is performed and the source is determined to be out of compliance, the permit holder shall list this occurrence as a deviation on the next deviation report as required under 30 TAC § 122.145(2). The opacity test must be performed by a certified opacity reader.

D. Certification of opacity readers determining opacities under Method 9 (as outlined in 40 CFR Part 60, Appendix A) to comply with opacity monitoring requirements shall be accomplished by completing the Visible Emissions Evaluators Course, or approved agency equivalent, no more than 180 days before the opacity reading.

- E. For emission units with contributions from uncombined water, the permit holder shall comply with the requirements of 30 TAC § 111.111(b).
  - F. Emission limits on nonagricultural processes, except for the steam generators specified in 30 TAC § 111.153, shall comply with the following requirements:
    - (i) Emissions of PM from any source may not exceed the allowable rates as required in 30 TAC § 111.151(a) (relating to Allowable Emissions Limits);
    - (ii) Sources with an effective stack height ( $h_e$ ) less than the standard effective stack height ( $H_e$ ), must reduce the allowable emission level by multiplying it by  $[h_e/H_e]^2$  as required in 30 TAC § 111.151(b); and
    - (iii) Effective stack height shall be calculated by the equation specified in 30 TAC § 111.151(c).
4. The permit holder shall comply with the following requirements for units subject to any subpart of 40 CFR Part 60, unless otherwise stated in the applicable subpart:
- A. Title 40 CFR § 60.7 (relating to Notification and Recordkeeping);
  - B. Title 40 CFR § 60.8 (relating to Performance Tests);
  - C. Title 40 CFR § 60.11 (relating to Compliance with Standards and Maintenance Requirements);
  - D. Title 40 CFR § 60.12 (relating to Circumvention);
  - E. Title 40 CFR § 60.13 (relating to Monitoring Requirements);
  - F. Title 40 CFR § 60.14 (relating to Modification);
  - G. Title 40 CFR § 60.15 (relating to Reconstruction);
  - H. Title 40 CFR § 60.19 (relating to General Notification and Reporting Requirements).
5. For the nonmetallic mineral processing operations specified in 40 CFR Part 60, Subpart OOO, the permit holder shall comply with the following requirements:
- A. Title 40 CFR § 60.670(f) (relating to Applicability and Designation of Affected Facility), for Table 1 for Subpart A;
  - B. Title 40 CFR § 60.673(a) - (b) (relating to Reconstruction); and
  - C. Title 40 CFR § 60.676(h) (relating to Reporting and Recordkeeping).

6. The permit holder shall comply with the requirements of 30 TAC Chapter 113, Subchapter C, § 113.100 for units subject to any subpart of 40 CFR Part 63, unless otherwise stated in the applicable subpart.

#### **Additional Monitoring Requirements**

7. The permit holder shall comply with the periodic monitoring requirements as specified in the attached "Periodic Monitoring Summary" upon issuance of the permit. Except for, as applicable, monitoring malfunctions, associated repairs, and required quality assurance or control activities (including, as applicable, calibration checks and required zero and span adjustments), the permit holder shall conduct all monitoring in continuous operation (or shall collect data at all required intervals) at all times that the pollutant-specific emissions unit is operating. The permit holder may elect to collect monitoring data on a more frequent basis and average the data, consistent with the averaging time specified in the "Periodic Monitoring Summary," for purposes of determining whether a deviation has occurred. However, the additional data points must be collected on a regular basis. In no event shall data be collected and used in particular instances to avoid reporting deviations. Deviations shall be reported according to 30 TAC § 122.145 (Reporting Terms and Conditions).

#### **New Source Review Authorization Requirements**

8. Permit holder shall comply with the requirements of New Source Review authorizations issued or claimed by the permit holder for the permitted area, including permits, permits by rule, standard permits, flexible permits, special permits, permits for existing facilities including Voluntary Emissions Reduction Permits and Electric Generating Facility Permits issued under 30 TAC Chapter 116, Subchapter I, or special exemptions referenced in the New Source Review Authorization References attachment. These requirements:
  - A. Are incorporated by reference into this permit as applicable requirements;
  - B. Shall be located with this operating permit; and
  - C. Are not eligible for a permit shield.
9. The permit holder shall comply with the general requirements of 30 TAC Chapter 106, Subchapter A or the general requirements, if any, in effect at the time of the claim of any PBR.

#### **Compliance Requirements**

10. The permit holder shall certify compliance with all permit terms and conditions using, at a minimum, but not limited to, the continuous or intermittent compliance method data from monitoring, recordkeeping, reporting, or testing required by the permit and any other credible evidence or information. The certification period may not exceed 12 months and the certification must be submitted within 30 days after the end of the period being certified.

11. Permit holder shall comply with the following 30 TAC Chapter 117 requirement:

A. The permit holder shall comply with the compliance schedules and submit written notification to the TCEQ Executive Director as required in 30 TAC Chapter 117, Subchapter H, Division 1:

(i) For sources in the Dallas-Fort Worth Nonattainment area, 30 TAC § 117.9010.

12. Use of Emission Credits to Comply with Applicable Requirements:

A. Unless otherwise prohibited, the permit holder may use emission credits to comply with the following applicable requirements listed elsewhere in this permit:

(i) Title 30 TAC Chapter 115;

(ii) Title 30 TAC Chapter 117; and

(iii) Offsets for Title 30 TAC Chapter 116.

B. The permit holder shall comply with the following requirements in order to use the emission credits to comply with the applicable requirements:

(i) The permit holder must notify the TCEQ according to 30 TAC § 101.306(c)(2);

(ii) The emission credits to be used must meet all the geographic, timeliness, applicable pollutant type, and availability requirements listed in 30 TAC Chapter 101, Subchapter H, Division 1;

(iii) The executive director has approved the use of the credit according to 30 TAC § 101.306(c)(2); and

(iv) The permit holder keeps records of the use of credits towards compliance with the applicable requirements in accordance with 30 TAC § 101.302(g) and 30 TAC Chapter 122.

13. Use of Discrete Emission Credits to Comply with Applicable Requirements:

A. Unless otherwise prohibited, the permit holder may use discrete emission credits to comply with the following applicable requirements listed elsewhere in this permit:

(i) Title 30 TAC Chapter 115;

(ii) Title 30 TAC Chapter 117;

- (iii) If applicable, offsets for Title 30 TAC Chapter 116; and
  - (iv) Temporarily exceed state NSR permit allowables.
- B. The permit holder shall comply with the following requirements in order to use the credit to comply with the applicable requirements:
- (i) The permit holder must notify the TCEQ according to 30 TAC § 101.376(d);
  - (ii) The discrete emission credits to be used must meet all the geographic, timeliness, applicable pollutant type, and availability requirements listed in 30 TAC Chapter 101, Subchapter H, Division 4;
  - (iii) The executive director has approved the use of the discrete emission credits according to 30 TAC § 101.376(d)(1)(A); and
  - (iv) The permit holder keeps records of the use of credits towards compliance with the applicable requirements in accordance with 30 TAC § 101.372(h) and 30 TAC Chapter 122.

#### **Permit Location**

14. The permit holder shall maintain a copy of this permit and records related to requirements listed in this permit on site.

#### **Permit Shield (30 TAC § 122.148)**

15. A permit shield is granted for the emission units, groups, or processes specified in the attached "Permit Shield." Compliance with the conditions of the permit shall be deemed compliance with the specified potentially applicable requirements or specified potentially applicable state-only requirements listed in the attachment "Permit Shield." Permit shield provisions shall not be modified by the executive director until notification is provided to the permit holder. No later than 90 days after notification of a change in a determination made by the executive director, the permit holder shall apply for the appropriate permit revision to reflect the new determination. Provisional terms are not eligible for this permit shield. Any term or condition, under a permit shield, shall not be protected by the permit shield if it is replaced by a provisional term or condition or the basis of the term and condition changes.

## **ATTACHMENTS**

**Applicable Requirements Summary**

**Additional Monitoring Requirements**

**Permit Shield**

**New Source Review Authorization References**



## APPLICABLE REQUIREMENTS SUMMARY

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Note: A "none" entry may be noted for some emission sources in this permit's "Applicable Requirements Summary" under the heading of "Monitoring and Testing Requirements" and/or "Recordkeeping Requirements" and/or "Reporting Requirements." Such a notation indicates that there are no requirements for the indicated emission source as identified under the respective column heading(s) for the stated portion of the regulation when the emission source is operating under the conditions of the specified SOP Index Number. However, other relevant requirements pursuant to 30 TAC Chapter 122 including Recordkeeping Terms and Conditions (30 TAC § 122.144), Reporting Terms and Conditions (30 TAC § 122.145), and Compliance Certification Terms and Conditions (30 TAC § 122.146) continue to apply.

# Unit Summary

Unit/Group/ Process ID No.	Unit Type	Group/Inclusive Units	SOP Index No.	Regulation	Requirement Driver
BP-4	MISCELLANEOUS UNITS	N/A	R1111-1	30 TAC Chapter 111, Visible Emissions	No changing attributes.
BP-5	MISCELLANEOUS UNITS	N/A	R1111-1	30 TAC Chapter 111, Visible Emissions	No changing attributes.
GRPKILN	MISCELLANEOUS UNITS	KS-1, KS-2, KS-3, KS-4	63KKKKKK	40 CFR Part 63, Subpart KKKKK	No changing attributes.
GRPKILNW	MISCELLANEOUS UNITS	KD-A, KD-B, KS-A1, KS-A2, KS-B1, KS-B2	63KKKKKK	40 CFR Part 63, Subpart KKKKK	No changing attributes.
BC-1	NON-METALLIC MINERAL PROCESSING PLANTS	N/A	60000-1	40 CFR Part 60, Subpart OOO	No changing attributes.
GRPBLDIA	NON-METALLIC MINERAL PROCESSING PLANTS	TP1-26, TP1-27B, TP2-35A, TP2-35B, TP2-35C	60000-1	40 CFR Part 60, Subpart OOO	No changing attributes.
GRPBLDID	NON-METALLIC MINERAL PROCESSING PLANTS	2-36, 2-37, 2-38, 2-39, TP1-42, TP1-43, TP2-36, TP2-36A, TP2- 36B, TP2-38, TP2-38A, TP2-38B	60000-1	40 CFR Part 60, Subpart OOO	No changing attributes.

# Unit Summary

Unit/Group/ Process ID No.	Unit Type	Group/Inclusive Units	SOP Index No.	Regulation	Requirement Driver
GRPBLD2	NON-METALLIC MINERAL PROCESSING PLANTS	1-11, 1-12, 1-13, 1-14, 1-15, 1-16, 1-17, 1-18, 1-19, 1-20, 1-21, 1-22, 1-23, 1-24, 1-28, TP1-12, TP1-12A, TP1-14, TP1-14A, TP1-15, TP1-15A, TP1-15B, TP1-15C, TP1-15D, TP1-16, TP1-16A, TP1-17, TP1-17A, TP1-18, TP1-18A, TP1-19, TP1-19A, TP1-20, TP1-20A, TP1-21, TP1-21A, TP1-22, TP1-22A, TP1-24, TP1-24A, TP1-23, TP1-23A, TP1-25, TP1-28	60000-1	40 CFR Part 60, Subpart OOO	No changing attributes.
GRPBLD3-1	NON-METALLIC MINERAL PROCESSING PLANTS	TP5-2, TP5-3, TP5-4	60000-1	40 CFR Part 60, Subpart OOO	No changing attributes.
GRPBLD3A	NON-METALLIC MINERAL PROCESSING PLANTS	2-10, 2-29, 2-3, 2-30, TP1-27A	60000-1	40 CFR Part 60, Subpart OOO	No changing attributes.

# Unit Summary

Unit/Group/ Process ID No.	Unit Type	Group/Inclusive Units	SOP Index No.	Regulation	Requirement Driver
GRPBLD3B	NON-METALLIC MINERAL PROCESSING PLANTS	3-2, 3-3, 3-4, 3-5, 4-2, 4-3, 4-4, 4-5, 4-6, 4-7, 5-4, BE-5, TP3-1E, TP4-1, TP4-1A, TP4-1B, TP4-1C, TP4-1D, TP4-1E, TP4-1F, TP4-1G, TP4-2, TP4-3, TP4-4, TP4-5, TP4-6, TP4-7, TP4-8, TP5-1D, TP5-1E, TPBE-5	60000-1	40 CFR Part 60, Subpart OOO	No changing attributes.
GRPBLD3R	NON-METALLIC MINERAL PROCESSING PLANTS	2-33, 2-34, TP2-2A, TP2-2B, TP2-2C, TP2-33, TP2-33A, TP2-33B	60000-1	40 CFR Part 60, Subpart OOO	No changing attributes.
GRPBLD4-1	NON-METALLIC MINERAL PROCESSING PLANTS	5-5, 5-6, 5-7, 5-8, TP5-4A, TP5-4B1	60000-1	40 CFR Part 60, Subpart OOO	No changing attributes.
GRPBLD4-3	NON-METALLIC MINERAL PROCESSING PLANTS	5-10, 5-11, 5-12, 5-9, TP5-4B2	60000-1	40 CFR Part 60, Subpart OOO	No changing attributes.

# Unit Summary

Unit/Group/ Process ID No.	Unit Type	Group/Inclusive Units	SOP Index No.	Regulation	Requirement Driver
GRBLDAI	NON-METALLIC MINERAL PROCESSING PLANTS	6-18, 6-19, 6-21, 6-22, BE-6, BE-7, TP6-10, TP6-11, TP6-12, TP6-13, TP6-14, TP6-15, TP6-16, TP6-17, TP6-18, TP6-19, TP6-2, TP6-21, TP6-22, TP6-3, TP6-4, TP6-5, TP6-6, TP6-7, TP6-8, TP6-9, TPBE-6, TPBE-7	60000-1	40 CFR Part 60, Subpart OOO	No changing attributes.
GRBLDAD	NON-METALLIC MINERAL PROCESSING PLANTS	6-10, 6-11, 6-12, 6-13, 6-14, 6-2, 6-3, 6-4, 6-5, 6-6, 6-7, 6-9, TP6-1, TP6-1A, TP6-1B, TP6-1C, TP6-1D, TP6-1E, TP6-1F, TP6-1G, TP6-1H	60000-1	40 CFR Part 60, Subpart OOO	No changing attributes.
GRBLDB-1	NON-METALLIC MINERAL PROCESSING PLANTS	6-25, 6-26, 6-27, 6-28, 6-29, 6-30, 6-31, TP6-20, TP6-23, TP6-24	60000-1	40 CFR Part 60, Subpart OOO	No changing attributes.
GRBLDB-2	NON-METALLIC MINERAL PROCESSING PLANTS	1-29, 1-30, 1-31, 1-32, 1-33, 1-34, 1-35, 1-36, 1-37, 1-38, TP1-30, TP1-32, TP1-33, TP1-34, TP1-35, TP1-36, TP1-37, TP1-38, TP1-39, TP1-40, TP1-41	60000-1	40 CFR Part 60, Subpart OOO	No changing attributes.

# Unit Summary

Unit/Group/ Process ID No.	Unit Type	Group/Inclusive Units	SOP Index No.	Regulation	Requirement Driver
GRPSAT1	NON-METALLIC MINERAL PROCESSING PLANTS	2-40, 2-41, 2-42, 2-43, 2-44, 2-45, 2-46, 2-47, 2-48, 2-49, 2-50, 2-51	60000-1	40 CFR Part 60, Subpart OOO	No changing attributes.
GRPSAT3	NON-METALLIC MINERAL PROCESSING PLANTS	2-17, 2-19, 2-20, 2-21, 2-22, 2-23, 2-24, 2-25, 2-26, 2-27, 2-28	60000-1	40 CFR Part 60, Subpart OOO	No changing attributes.
TPBC-1	NON-METALLIC MINERAL PROCESSING PLANTS	N/A	60000-1	40 CFR Part 60, Subpart OOO	No changing attributes.

## Applicable Requirements Summary

Unit/Group/Process		SOP Index No.	Pollutant	Emission Limitation/Standard or Equipment Specification		Textual Description (See Special Term and Condition 1.B.)	Monitoring And Testing Requirements	Recordkeeping Requirements (30 TAC § 122.144)	Reporting Requirements (30 TAC § 122.145)
ID No.	Type			Name	Citation				
BP-4 BP-5	EP	R111-1	PM (OPACITY)	30 TAC Chapter 111, Visible Emissions	§ 111.111(a)(1)(B)	Opacity shall not exceed 20% averaged over a six-minute period for any source on which construction was begun after January 31, 1972.	** See Periodic Monitoring Summary	** See Periodic Monitoring Summary	** See Periodic Monitoring Summary
GRPKILN GRPKILNW	EU	63KKKKK	HAPS	40 CFR Part 63, Subpart KKKKK	§ 63.8555(c) § 63.8560(b) § 63.8570(f) § 63.8570(g) § 63.8605(a)	Meet each work practice standard that applies in Table 3 to this subpart.	None	§ 63.8620(a) § 63.8640(a)(1) § 63.8640(c)(7) [G]§ 63.8645	§ 63.8620(a) § 63.8630(a) § 63.8630(c) [G]§ 63.8630(g) § 63.8635(a) [G]§ 63.8635(b) § 63.8635(c)(1) § 63.8635(c)(2) § 63.8635(c)(3) § 63.8635(c)(6) § 63.8635(f) [G]§ 63.8635(g)
GRPBLD1A GRPBLD1D GRPBLD2 GRPBLD3A GRPBLD3B GRPBLD3R GRPBLDAD GRPBLDB-2	EU	60000-1	PM	40 CFR Part 60, Subpart OOO	§ 60.672(a)(1)	On/after the date of the test required by § 60.8, no owner/operator shall cause a discharge of any stack emissions which contain particulate matter in excess of 0.05 g/dscm (3.118x10 <sup>-6</sup> lb/dscf).	§ 60.675(a) § 60.675(b)(1) ** See Periodic Monitoring Summary where Group IDs are replaced by Emission Point Number BP-2	None	§ 60.676(f)
GRPBLD1A GRPBLD1D GRPBLD2 GRPBLD3A GRPBLD3B GRPBLD3R GRPBLDAD GRPBLDB-2	EU	60000-1	PM (OPACITY)	40 CFR Part 60, Subpart OOO	§ 60.672(a)(2)	On/after the § 60.8 test, no affected facility shall exhibit >7% opacity, unless the stack emissions are discharged from a wet scrubber. The wet scrubber must comply with § 60.676(c)-(e).	§ 60.675(a) § 60.675(b)(2) ** See Periodic Monitoring Summary where Group IDs are replaced by Emission Point Number BP-2	None	§ 60.676(f)

# Applicable Requirements Summary

Unit/Group/Process		SOP Index No.	Pollutant	Emission Limitation/Standard or Equipment Specification		Textual Description (See Special Term and Condition 1.B.)	Monitoring And Testing Requirements	Recordkeeping Requirements (30 TAC § 122.144)	Reporting Requirements (30 TAC § 122.145)
ID No.	Type			Name	Citation				
GRPBLD1A GRPBLD1D GRPBLD2 GRPBLD3-1 GRPBLD3B GRPBLD3R GRPBLD4-1 GRPBLD4-3 GRPBLDA1 GRPBLDAD GRPBLDB-1 GRPBLDB-2 GRPSAT1 GRPSAT3	EU	60000-1	PM (OPACITY)	40 CFR Part 60. Subpart OOO	§ 60.672(e)(1)	No O/O shall discharge from any building enclosing any transfer point on a belt conveyor or other affected facility any visible fugitive emissions except emissions from a vent as defined in §60.671.	§ 60.675(a) § 60.675(d) § 60.675(g) ** See Periodic Monitoring Summary where Group IDs are replaced by Building Nos. 1, 2, 3, 4, A, B, B-1, and B-2	None	§ 60.675(g) § 60.676(f) [G]§ 60.676(i)
GRPBLDA1 GRPBLDB-1	EU	60000-1	PM (OPACITY)	40 CFR Part 60. Subpart OOO	§ 60.672(a)(1)	On/after the date of the test required by §60.8, no owner/operator shall cause a discharge of any stack emissions which contain particulate matter in excess of 0.05 g/dscm (3.118x10e6 lb/dsf).	§ 60.675(a) § 60.675(b)(1) ** See Periodic Monitoring Summary where Group IDs are replaced by Emission Point Number CS-B	None	§ 60.676(f)
GRPBLDA1 GRPBLDB-1	EU	60000-1	PM (OPACITY)	40 CFR Part 60. Subpart OOO	§ 60.672(a)(2)	On/after the §60.8 test, no affected facility shall exhibit >7% opacity, unless the stack emissions are discharged from a wet scrubber. The wet scrubber must comply with §60.676(c)-(e).	§ 60.675(a) § 60.675(b)(1) ** See Periodic Monitoring Summary where Group IDs are replaced by Emission Point Number CS-B	None	§ 60.676(f)



## Applicable Requirements Summary

Unit/Group/Process		SOP Index No.	Pollutant	Emission Limitation/Standard or Equipment Specification		Textual Description (See Special Term and Condition I.B.)	Monitoring And Testing Requirements	Recordkeeping Requirements (30 TAC § 122.144)	Reporting Requirements (30 TAC § 122.145)
ID No.	Type			Name	Citation				
GRPBLD3-1 GRPBLD4-1 GRPBLD4-3	EU	60000-1	PM (OPACITY)	40 CFR Part 60, Subpart OOO	§ 60.672(a)(1)	On/after the date of the test required by §60.8, no owner/operator shall cause a discharge of any stack emissions which contain particulate matter in excess of 0.05 g/dscm (3.118x10e6 lb/dscf).	§ 60.675(a) § 60.675(b)(1) ** See Periodic Monitoring Summary where Group IDs are replaced by Emission Point Number CS	None	§ 60.676(f)
GRPBLD3-1 GRPBLD4-1 GRPBLD4-3	EU	60000-1	PM (OPACITY)	40 CFR Part 60, Subpart OOO	§ 60.672(a)(2)	On/after the §60.8 test, no affected facility shall exhibit >7% opacity, unless the stack emissions are discharged from a wet scrubber. The wet scrubber must comply with §60.676(c)-(e).	§ 60.675(a) § 60.675(b)(1) ** See Periodic Monitoring Summary where Group IDs are replaced by Emission Point Number CS	None	§ 60.676(f)
BC-1 TPBC-1	EU	60000-1	No Pollutant Associated with these Requirements	40 CFR Part 60, Subpart OOO	§ 60.670(d)(1)	When an existing facility is replaced by like or smaller equipment, the new facility is exempt from §§60.672, 60.674, and 60.675, except as provided for in Paragraph (d)(3) of this section.	None	None	§ 60.676(a) [G]§ 60.676(a)(1) [G]§ 60.676(i)

## **ADDITIONAL MONITORING REQUIREMENTS**

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### Periodic Monitoring Summary

<b>UNIT/GROUP/PROCESS INFORMATION</b>	
ID No.: BP-4, BP-5	Applicable Form: OP-UA01
Control Device ID No.: BP-3, BP-4A, BP-4B, and BP-5	Control Device Type: Fabric Filter
<b>APPLICABLE REGULATORY REQUIREMENT</b>	
Name: 30 TAC Chapter 111, Visible Emissions	SOP Index No.: R111-1
Pollutant: PM(OPACITY)	Main Standard: § 111.111(a)(1)(B)
<b>MONITORING INFORMATION</b>	
Indicator: Visible Emissions/ Opacity	
Minimum Frequency: Daily	
Averaging Period: N/A	
Deviation Limit: Maximum opacity shall not exceed 5 percent as determined by Method 9.	
<p>Periodic Monitoring Text: A 15 second observation of exhaust from the dust collectors shall be conducted daily for visible emissions.</p> <p>If visible emissions are observed the permit holder shall determine the average opacity of the emissions over a 6 minute period by using Test Method 9, as soon as practicable, but no later than 24 hours after observing visible emissions. If the average opacity equals or exceeds the above corresponding opacity limit, the permit holder shall report a deviation.</p>	

### Periodic Monitoring Summary

<b>UNIT/GROUP/PROCESS INFORMATION</b>	
ID No.: EPN BP-2	Applicable Form: OP-UA09
Control Device ID No.: BP-2A, BP-2B, BP-2C, and BP-2D	Control Device Type: Fabric Filter
<b>APPLICABLE REGULATORY REQUIREMENT</b>	
Name: 40 CFR Part 60, Subpart OOO	SOP Index No.: 60000-1
Pollutant: PM, PM(OPACITY)	Main Standard: § 60.672(a)(1), § 60.672(a)(2)
<b>MONITORING INFORMATION</b>	
Indicator: Visible Emissions/ Opacity	
Minimum Frequency: Weekly	
Averaging Period: N/A	
Deviation Limit: Maximum opacity shall not exceed 5 percent as determined by Method 9.	
<p>Periodic Monitoring Text: A 15 second observation of exhaust from the dust collectors shall be conducted weekly for visible emissions.</p> <p>If visible emissions are observed the permit holder shall determine the average opacity of the emissions over a 6 minute period by using Test Method 9, as soon as practicable, but no later than 24 hours after observing visible emissions. If the average opacity equals or exceeds the above corresponding opacity limit, the permit holder shall report a deviation.</p>	

### Periodic Monitoring Summary

<b>UNIT/GROUP/PROCESS INFORMATION</b>	
ID No.: EPN CS	Applicable Form: OP-UA09
Control Device ID No.: CS-1, CS-2, CS-3, and CS-4	Control Device Type: Fabric Filter
<b>APPLICABLE REGULATORY REQUIREMENT</b>	
Name: 40 CFR Part 60, Subpart OOO	SOP Index No.: 60000-1
Pollutant: PM, PM(OPACITY)	Main Standard: § 60.672(a)(1), § 60.672(a)(2)
<b>MONITORING INFORMATION</b>	
Indicator: Visible Emissions/ Opacity	
Minimum Frequency: Weekly	
Averaging Period: N/A	
Deviation Limit: Maximum opacity shall not exceed 5 percent as determined by Method 9.	
<p>Periodic Monitoring Text: A 15 second observation of exhaust from the dust collectors shall be conducted weekly for visible emissions.</p> <p>If visible emissions are observed the permit holder shall determine the average opacity of the emissions over a 6 minute period by using Test Method 9, as soon as practicable, but no later than 24 hours after observing visible emissions. If the average opacity equals or exceeds the above corresponding opacity limit, the permit holder shall report a deviation.</p>	

### Periodic Monitoring Summary

<b>UNIT/GROUP/PROCESS INFORMATION</b>	
ID No.: EPN CS-B	Applicable Form: OP-UA09
Control Device ID No.: CS-B1 and CS-B2	Control Device Type: Fabric Filter
<b>APPLICABLE REGULATORY REQUIREMENT</b>	
Name: 40 CFR Part 60, Subpart OOO	SOP Index No.: 60000-1
Pollutant: PM, PM(OPACITY)	Main Standard: § 60.672(a)(1), § 60.672(a)(2)
<b>MONITORING INFORMATION</b>	
Indicator: Visible Emissions/ Opacity	
Minimum Frequency: Weekly	
Averaging Period: N/A	
Deviation Limit: Maximum opacity shall not exceed 5 percent as determined by Method 9.	
<p>Periodic Monitoring Text: A 15 second observation of exhaust from the dust collectors shall be conducted weekly for visible emissions.</p> <p>If visible emissions are observed the permit holder shall determine the average opacity of the emissions over a 6 minute period by using Test Method 9, as soon as practicable, but no later than 24 hours after observing visible emissions. If the average opacity equals or exceeds the above corresponding opacity limit, the permit holder shall report a deviation.</p>	

### Periodic Monitoring Summary

<b>UNIT/GROUP/PROCESS INFORMATION</b>	
ID No.: Building Nos. 1, 2, 3, 4, A, B, B-1, and B-2	Applicable Form: OP-UA09
Control Device ID No.: N/A	Control Device Type: N/A
<b>APPLICABLE REGULATORY REQUIREMENT</b>	
Name: 40 CFR Part 60, Subpart OOO	SOP Index No.: 60000-1
Pollutant: PM (OPACITY)	Main Standard: § 60.672(e)(1)
<b>MONITORING INFORMATION</b>	
Indicator: Visible Emissions	
Minimum Frequency: Weekly	
Averaging Period: N/A	
Deviation Limit: No visible emissions	
<p>Periodic Monitoring Text: A 15 second observation of each side and roof of buildings containing an affected facility shall be conducted weekly for visible emissions.</p> <p>If visible emissions are observed a deviation will be reported.</p>	

**PERMIT SHIELD**

<b>Permit Shield .....</b>	<b>29</b>
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## Permit Shield

The TCEQ Executive Director has determined that the permit holder is not required to comply with the specific regulation(s) identified for each emission unit, group, or process in this table.

ID No.	Unit/Group/Process		Regulation	Basis of Determination
	Group/Inclusive Units			
GRPGF	2-18, 3-6, 3-7, 5-2, 5-3, BE-4, TP3-1, TP3-1A, TP3-1B, TP3-1C, TP3-1D, TP3-1F, TP3-1G, TP3-2, TP3-3, TP3-4, TP3-5, TP3-6, TP3-7, TP3-8A, TP3-8B, TP3-8C, TP5-1A, TP5-1B, TP5-1C, TPBE-4		40 CFR Part 60, Subpart OOO	Each affected facility was constructed and began operation prior to August 31, 1983, and has not been constructed, reconstructed, or modified since that date.
BP-3	N/A		30 TAC Chapter 115, Vent Gas Controls	Combustion unit exhaust stream is exempt from this division (relating to Vent Gas Control) because the unit is not being used as a control device for any vent gas stream subject to this division and which originates from a non-combustion source.
BP-3	N/A		30 TAC Chapter 117, Commercial	The maximum rated capacity of the unit is less than 40 MMBtu/hr.
BP-3	N/A		40 CFR Part 60, Subpart UUU	The facility was constructed prior to April 23, 1986, and has not been reconstructed, or modified since that date.
BP-3	N/A		40 CFR Part 60, Subpart UUU	The affected facility is not a "mineral processing plant." It does not process or produce any of the minerals or a combination of minerals specified in the definition of "mineral processing plant" in an amount greater than 50%.
BP-4	N/A		30 TAC Chapter 115, Vent Gas Controls	Combustion unit exhaust stream is exempt from this division (relating to Vent Gas Control) because the unit is not being used as a control device for any vent gas stream subject to this division and which originates from a non-combustion source.

# Permit Shield

Unit/Group/Process		Regulation	Basis of Determination
ID No.	Group/Inclusive Units		
BP-4	N/A	30 TAC Chapter 117, Commercial	The maximum rated capacity of the unit is less than 40 MMBtu/hr.
BP-4	N/A	40 CFR Part 60, Subpart UUU	The affected facility is not a "mineral processing plant." It does not process or produce any of the minerals or a combination of minerals specified in the definition of "mineral processing plant" in an amount greater than 50%.
EG-1	N/A	30 TAC Chapter 115, Vent Gas Controls	Combustion unit exhaust stream is exempt from this division (relating to Vent Gas Control) because the unit is not being used as a control device for any vent gas stream subject to this division and which originates from a non-combustion source.
EG-1	N/A	30 TAC Chapter 117, Commercial	The unit operates less than 850 hours per year, based on a rolling 12-month average.
EG-2	N/A	30 TAC Chapter 115, Vent Gas Controls	Combustion unit exhaust stream is exempt from this division (relating to Vent Gas Control) because the unit is not being used as a control device for any vent gas stream subject to this division and which originates from a non-combustion source.
EG-2	N/A	30 TAC Chapter 117, Commercial	The unit operates less than 850 hours per year, based on a rolling 12-month average.
GRPCOMB	PKD-2, PKD-3, PKD-4, PR-1, PR-2, PR-3, PR-4, PR-5, PR-6, PR-7	30 TAC Chapter 115, Vent Gas Controls	Combustion unit exhaust stream is exempt from this division (relating to Vent Gas Control) because the unit is not being used as a control device for any vent gas stream subject to this division and which originates from a non-combustion source.
GRPCOMB	PKD-2, PKD-3, PKD-4, PR-1, PR-2, PR-3, PR-4, PR-5, PR-6, PR-7	30 TAC Chapter 117, Commercial	The maximum rated capacity of the unit is less than 40 MMBtu/hr.

# Permit Shield

Unit/Group/Process		Regulation	Basis of Determination
ID No.	Group/Inclusive Units		
GRPKILN	KS-1, KS-2, KS-3, KS-4	30 TAC Chapter 115, Vent Gas Controls	Combustion unit exhaust stream is exempt from this division (relating to Vent Gas Control) because the unit is not being used as a control device for any vent gas stream subject to this division and which originates from a non-combustion source.
GRPKILN	KS-1, KS-2, KS-3, KS-4	30 TAC Chapter 117, Commercial	The maximum rated capacity of the unit is less than 40 MMBtu/hr.
PROGLAZE	N/A	30 TAC Chapter 115, Surface Coating Operations	The application of glaze material to "green" ceramic tile does not qualify as a surface coating process specified in paragraphs (1)-(15) of 115.421(a).

**NEW SOURCE REVIEW AUTHORIZATION REFERENCES**

<b>New Source Review Authorization References .....</b>	<b>33</b>
<b>New Source Review Authorization References by Emission Unit .....</b>	<b>34</b>

### New Source Review Authorization References

The New Source Review authorizations listed in the table below are applicable requirements under 30 TAC Chapter 122 and enforceable under this operating permit.

<b>PSD Permits</b>		<b>NA Permits</b>	
PSD Permit No.:		NA Permit No.:	
PSD Permit No.:		NA Permit No.:	
<b>Title 30 TAC Chapter 116 Permits, Special Permits, and Other Authorizations (Other Than Permits By Rule, PSD Permits, or NA Permits) for the Application Area.</b>			
Authorization No.: 19841		Authorization No.:	
Authorization No.:		Authorization No.:	
<b>Permits By Rule (30 TAC Chapter 106) for the Application Area</b>			
Number: 106.183		Version No./Date: 06/18/1997	
Number: 106.264		Version No./Date: 09/04/2000	
Number: 106.433		Version No./Date: 03/14/1997	
Number: 106.433		Version No./Date: 09/04/2000	
Number: 106.472		Version No./Date: 03/14/1997	
Number: 106.475		Version No./Date: 03/14/1997	
Number: 106.475		Version No./Date: 09/04/2000	
Number: 106.511		Version No./Date: 03/14/1997	
Number: 106.511		Version No./Date: 09/04/2000	
Number: 106.532		Version No./Date: 03/14/1997	
<b>Municipal Solid Waste and Industrial Hazardous Waste Permits With an Air Addendum</b>			
Permit No.:		Permit No.:	
Permit No.:		Permit No.:	

### New Source Review Authorization References by Emissions Unit

The following is a list of New Source Review (NSR) authorizations for emission units listed elsewhere in this operating permit. The NSR authorizations are applicable requirements under 30 TAC Chapter 122 and enforceable under this operating permit.

Unit/Group/Process ID No.	Emission Unit Name/Description	New Source Review Authorization
1-11	RAW MATERIAL HOPPER	19841
1-12	CRUSHER	19841
1-13	RAW MATERIAL HOPPER	19841
1-14	CRUSHER	19841
1-15	RAW MATERIAL HOPPER	19841
1-16	RAW MATERIAL SILO	19841
1-17	RAW MATERIAL SILO	19841
1-18	RAW MATERIAL SILO	19841
1-19	RAW MATERIAL SILO	19841
1-20	RAW MATERIAL SILO	19841
1-21	RAW MATERIAL SILO	19841
1-22	RAW MATERIAL SILO	19841
1-23	RAW MATERIAL SILO	19841
1-24	RAW MATERIAL SILO	19841
1-28	CRUSHER	19841
1-29	FEED HOPPER 1	19841

# **New Source Review Authorization References by Emissions Unit**

Unit/Group/Process ID No.	Emission Unit Name/Description	New Source Review Authorization
1-30	CRUSHER	19841
1-31	FEED HOPPER 2	19841
1-32	CRUSHER	19841
1-33	FEED HOPPER 3	19841
1-34	FEED HOPPER 4	19841
1-35	FEED HOPPER 5	19841
1-36	FEED HOPPER 6	19841
1-37	FEED HOPPER 7	19841
1-38	FEED HOPPER 8	19841
2-10	BALL MILL 2	19841
2-17	SLIP HOLDING TANK 1	19841
2-18	SLIP HOLDING TANK 2	19841
2-19	SLIP HOLDING TANK 3	19841
2-20	SLIP HOLDING TANK 4	19841
2-21	SLIP HOLDING TANK 5	19841
2-22	SLIP HOLDING TANK 6	19841
2-23	SLIP SCREENER 1	19841
2-24	SLIP SCREENER 2	19841

# **New Source Review Authorization References by Emissions Unit**

Unit/Group/Process ID No.	Emission Unit Name/Description	New Source Review Authorization
2-25	SLIP SCREENER 3	19841
2-26	SLIP SCREENER 4	19841
2-27	SLIP SCREENER 5	19841
2-28	SLIP SCREENER TANK	19841
2-29	BALL MILL SURGE HOPPER 1	19841
2-30	BALL MILL 1	106.264 09/04/2000
2-33	CONTINUOUS MILL 1 SURGE HOPPER	106.264 09/04/2000
2-34	CONTINUOUS MILL 1	19841
2-36	CONTINUOUS MILL 2 SURGE HOPPER	19841
2-37	CONTINUOUS MILL 2	19841
2-38	CONTINUOUS MILL 3 SURGE HOPPER	19841
2-39	CONTINUOUS MILL 3	19841
2-3	BALL MILL SURGE HOPPER 2	19841
2-40	SLIP HOLDING TANK 1	19841
2-41	SLIP HOLDING TANK 2	19841
2-42	SLIP HOLDING TANK 3	19841
2-43	SLIP HOLDING TANK 4	19841
2-44	SLIP HOLDING TANK 5	19841



# **New Source Review Authorization References by Emissions Unit**

Unit/Group/Process ID No.	Emission Unit Name/Description	New Source Review Authorization
2-45	SLIP SCREENER 1	19841
2-46	SLIP SCREENER 2	19841
2-47	SLIP SCREENER 3	19841
2-48	SLIP SCREENER 4	19841
2-49	SLIP SCREENER 5	19841
2-50	SLIP SCREENER 6	19841
2-51	SLIP SCREENER TANK	19841
3-2	PRILL SILO 1	19841
3-3	PRILL SILO 2	19841
3-4	PRILL SILO 3	19841
3-5	PRILL SILO 4	19841
3-6	PRILL SILO 5	19841
3-7	PRILL SILO 6	19841
4-2	PRILL SILO 7	19841
4-3	PRILL SILO 8	19841
4-4	PRILL SILO 9	19841
4-5	PRILL SILO 10	19841
4-6	PRILL SILO 11	19841

# New Source Review Authorization References by Emissions Unit

Unit/Group/Process ID No.	Emission Unit Name/Description	New Source Review Authorization
4-7	PRILL SILO 12	19841
5-10	PRESS SURGE HOPPER 6	19841
5-11	PRESS SURGE HOPPER 7	19841
5-12	PRESS SURGE HOPPER 8	19841
5-2	SCREENER 1	19841
5-3	SCREENER 2	19841
5-4	SCREENER 3	19841
5-5	PRESS SURGE HOPPER 1	19841
5-6	PRESS SURGE HOPPER 2	19841
5-7	PRESS SURGE HOPPER 3	19841
5-8	PRESS SURGE HOPPER 4	19841
5-9	PRESS SURGE HOPPER 5	19841
6-10	PRILL SILO 2B	19841
6-11	PRILL SILO 3B	19841
6-12	PRILL SILO 4B	19841
6-13	PRILL SILO 5B	19841
6-14	PRILL SILO 6B	19841
6-18	SCREENER 1A	19841

# **New Source Review Authorization References by Emissions Unit**

Unit/Group/Process ID No.	Emission Unit Name/Description	New Source Review Authorization
6-19	SCREENER 2A	19841
6-21	SCREENER 1B	19841
6-22	SCREENER 2B	19841
6-25	PRESS SURGE HOPPER 1	19841
6-26	PRESS SURGE HOPPER 2	19841
6-27	PRESS SURGE HOPPER 3	19841
6-28	PRESS SURGE HOPPER 4	19841
6-29	PRESS SURGE HOPPER 5	19841
6-2	PRILL SILO 1A	19841
6-30	PRESS SURGE HOPPER 6	19841
6-31	PRESS SURGE HOPPER 7	19841
6-3	PRILL SILO 2A	19841
6-4	PRILL SILO 3A	19841
6-5	PRILL SILO 4A	19841
6-6	PRILL SILO 5A	19841
6-7	PRILL SILO 6A	19841
6-9	PRILL SILO 1B	19841
BC-1	BUCKET CONVEYOR 1	106.264 09/04/2000

# New Source Review Authorization References by Emissions Unit

Unit/Group/Process ID No.	Emission Unit Name/Description	New Source Review Authorization
BE-4	BUCKET ELEVATOR 4	19841
BE-5	BUCKET ELEVATOR 5	19841
BE-6	BUCKET ELEVATOR 6	19841
BE-7	BUCKET CONVEYOR 7	19841
BP-3	SPRAY DRYER 1	19841
BP-4	SPRAY DRYER 2	19841
BP-5	SPRAY DRYER 3	19841
EG-1	EMERGENCY GENERATOR 1	106.511 03/14/1997
EG-2	EMERGENCY GENERATOR 2	106.511 03/14/1997
KD-A	KILN A PRE-DRYER	19841
KD-B	KILN B PRE-DRYER	19841
KS-1	KILN 1	19841
KS-2	KILN 2	19841
KS-3	KILN 3	19841
KS-4	KILN 4	19841
KS-A1	KILN A LAYER 1 STACK	19841
KS-A2	KILN A LAYER 2 STACK	19841
KS-B1	KILN B LAYER 1 STACK	19841

# **New Source Review Authorization References by Emissions Unit**

<b>Unit/Group/Process ID No.</b>	<b>Emission Unit Name/Description</b>	<b>New Source Review Authorization</b>
KS-B2	KILN B LAYER 2 STACK	19841
PKD-2	PRE-KILN DRYER 2	106.183 06/18/1997
PKD-3	PRE-KILN DRYER 3	106.183 06/18/1997
PKD-4	PRE-KILN DRYER 4	106.183 06/18/1997
PR-1	PRESS DRYER 1	19841
PR-2	PRESS DRYER 2	19841
PR-3	PRESS DRYER 3	19841
PR-4	PRESS DRYER 4	19841
PR-5	PRESS DRYER 5	19841
PR-6	PRESS DRYER 6	19841
PR-7	PRESS DRYER 7	19841
PROGLAZE	GLAZING OPERATIONS	106.433 03/14/1997
TP1-12A	RAW MATERIAL BELT CONVEYOR 12A	19841
TP1-12	RAW MATERIAL TRANSFER FROM CRUSHER	19841
TP1-14A	RAW MATERIAL BELT CONVEYOR 14A	19841
TP1-14	RAW MATERIAL TRANSFER FROM CRUSHER	19841
TP1-15A	RAW MATERIAL BELT CONVEYOR 15A	19841
TP1-15B	RAW MATERIAL BELT CONVEYOR 15B	19841

# **New Source Review Authorization References by Emissions Unit**

Unit/Group/Process ID No.	Emission Unit Name/Description	New Source Review Authorization
TP1-15C	RAW MATERIAL BELT CONVEYOR 15C	19841
TP1-15D	ADJUSTABLE RAW MATERIAL BELT CONVEYOR 15D	19841
TP1-15	RAW MATERIAL TRANSFER FROM HOPPER	19841
TP1-16A	RAW MATERIAL BELT CONVEYOR 16A	19841
TP1-16	RAW MATERIAL TRANSFER FROM SILO	19841
TP1-17A	RAW MATERIAL BELT CONVEYOR 17A	19841
TP1-17	RAW MATERIAL TRANSFER FROM SILO	19841
TP1-18A	RAW MATERIAL BELT CONVEYOR 18A	19841
TP1-18	RAW MATERIAL TRANSFER FROM SILO	19841
TP1-19A	RAW MATERIAL BELT CONVEYOR 19A	19841
TP1-19	RAW MATERIAL TRANSFER FROM SILO	19841
TP1-20A	RAW MATERIAL BELT CONVEYOR 20A	19841
TP1-20	RAW MATERIAL TRANSFER FROM SILO	19841
TP1-21A	RAW MATERIAL BELT CONVEYOR 21A	19841
TP1-21	RAW MATERIAL TRANSFER FROM SILO	19841
TP1-22A	RAW MATERIAL BELT CONVEYOR 22A	19841
TP1-22	RAW MATERIAL TRANSFER FROM SILO	19841
TP1-23A	RAW MATERIAL BELT CONVEYOR 23A	19841

# **New Source Review Authorization References by Emissions Unit**

Unit/Group/Process ID No.	Emission Unit Name/Description	New Source Review Authorization
TP1-23	RAW MATERIAL TRANSFER FROM SILO	19841
TP1-24A	RAW MATERIAL BELT CONVEYOR 24A	19841
TP1-24	RAW MATERIAL TRANSFER FROM SILO	19841
TP1-25	RAW MATERIAL BELT CONVEYOR 1-25	19841
TP1-26	RAW MATERIAL BELT CONVEYOR 1-26	19841
TP1-27A	REVERSIBLE RAW MATERIAL BELT CONVEYOR 1-27	19841
TP1-27B	REVERSIBLE RAW MATERIAL BELT CONVEYOR 1-27	19841
TP1-28	RAW MATERIAL TRANSFER FROM CRUSHER	19841
TP1-30	RAW MATERIAL TRANSFER FROM CRUSHER	19841
TP1-32	RAW MATERIAL TRANSFER FROM CRUSHER	19841
TP1-33	RAW MATERIAL TRANSFER FROM HOPPER	19841
TP1-34	RAW MATERIAL TRANSFER FROM HOPPER	19841
TP1-35	RAW MATERIAL TRANSFER FROM HOPPER	19841
TP1-36	RAW MATERIAL TRANSFER FROM HOPPER	19841
TP1-37	RAW MATERIAL TRANSFER FROM HOPPER	19841
TP1-38	RAW MATERIAL TRANSFER FROM HOPPER	19841
TP1-39	RAW MATERIAL BELT CONVEYOR 1-39	19841
TP1-40	RAW MATERIAL BELT CONVEYOR 1-40	19841

# **New Source Review Authorization References by Emissions Unit**

Unit/Group/Process ID No.	Emission Unit Name/Description	New Source Review Authorization
TP1-41	RAW MATERIAL BELT CONVEYOR 1-41	19841
TP1-42	RAW MATERIAL BELT CONVEYOR 1-42	19841
TP1-43	RAW MATERIAL BELT CONVEYOR 1-43	19841
TP2-2A	REVERSIBLE BALL MILL BELT CONVEYOR 2A	19841
TP2-2B	ADJUSTABLE BALL MILL BELT CONVEYOR 2B	19841
TP2-2C	ADJUSTABLE BALL MILL BELT CONVEYOR 2C	19841
TP2-33A	CONTINUOUS MILL 1 BELT CONVEYOR 33A	106.264 09/04/2000
TP2-33B	CONTINUOUS MILL 1 BELT CONVEYOR 33B	106.264 09/04/2000
TP2-33	TRANSFER FROM SURGE HOPPER	106.264 09/04/2000
TP2-35A	CONTINUOUS MILL BELT CONVEYOR 35A	19841
TP2-35B	CONTINUOUS MILL BELT CONVEYOR 35B	19841
TP2-35C	CONTINUOUS MILL BELT CONVEYOR 35C	19841
TP2-36A	CONTINUOUS MILL 2 BELT CONVEYOR 36A	19841
TP2-36B	CONTINUOUS MILL 2 BELT CONVEYOR 36B	19841
TP2-36	TRANSFER FROM SURGE HOPPER	19841
TP2-38A	CONTINUOUS MILL 3 BELT CONVEYOR 38A	19841
TP2-38B	CONTINUOUS MILL 3 BELT CONVEYOR 38B	19841
TP2-38	TRANSFER FROM SURGE HOPPER	19841



# New Source Review Authorization References by Emissions Unit

Unit/Group/Process ID No.	Emission Unit Name/Description	New Source Review Authorization
TP3-1A	SPRAY DRYER 1 BELT CONVEYOR 1A	19841
TP3-1B	SPRAY DRYER 1 BELT CONVEYOR 1B	19841
TP3-1C	SPRAY DRYER 1 BELT CONVEYOR 1C	19841
TP3-1D	ADJUSTABLE SPRAY DRYER 1 BELT CONVEYOR 1D	19841
TP3-1E	ADJUSTABLE SPRAY DRYER 1 BELT CONVEYOR 1E	19841
TP3-1F	SPRAY DRYER 1 BELT CONVEYOR 1F	19841
TP3-1G	ADJUSTABLE SPRAY DRYER 1 BELT CONVEYOR 1G	19841
TP3-1	PRILL TRANSFER FROM SPRAY DRYER 1	19841
TP3-2	PRILL TRANSFER FROM SILO	19841
TP3-3	PRILL TRANSFER FROM SILO	19841
TP3-4	PRILL TRANSFER FROM SILO	19841
TP3-5	PRILL TRANSFER FROM SILO	19841
TP3-6	PRILL TRANSFER FROM SILO	19841
TP3-7	PRILL TRANSFER FROM SILO	19841
TP3-8A	PRILL SILO BELT CONVEYOR 8A	19841
TP3-8B	PRILL SILO BELT CONVEYOR 8B	19841
TP3-8C	PRILL SILO BELT CONVEYOR 8C	19841
TP4-1A	SPRAY DRYER 2 BELT CONVEYOR 1A	19841

# **New Source Review Authorization References by Emissions Unit**

Unit/Group/Process ID No.	Emission Unit Name/Description	New Source Review Authorization
TP4-1B	SPRAY DRYER 2 BELT CONVEYOR 1B	19841
TP4-1C	SPRAY DRYER 2 BELT CONVEYOR 1C	19841
TP4-1D	SPRAY DRYER 2 BELT CONVEYOR 1D	19841
TP4-1E	SPRAY DRYER 2 BELT CONVEYOR 1E	19841
TP4-1F	SPRAY DRYER 2 BELT CONVEYOR 1F	19841
TP4-1G	ADJUSTABLE SPRAY DRYER 2 BELT CONVEYOR 1G	19841
TP4-1	PRILL TRANSFER FROM SPRAY DRYER 2	19841
TP4-2	PRILL TRANSFER FROM SILO	19841
TP4-3	PRILL TRANSFER FROM SILO	19841
TP4-4	PRILL TRANSFER FROM SILO	19841
TP4-5	PRILL TRANSFER FROM SILO	19841
TP4-6	PRILL TRANSFER FROM SILO	19841
TP4-7	PRILL TRANSFER FROM SILO	19841
TP4-8	PRILL SILO BELT CONVEYOR	19841
TP5-1A	SCREENER BELT CONVEYOR 1A	19841
TP5-1B	SCREENER BELT CONVEYOR 1B	19841
TP5-1C	SCREENER BELT CONVEYOR 1C	19841
TP5-1D	SCREENER BELT CONVEYOR 1D	19841

# **New Source Review Authorization References by Emissions Unit**

Unit/Group/Process ID No.	Emission Unit Name/Description	New Source Review Authorization
TP5-1E	SCREENER BELT CONVEYOR 1E	19841
TP5-2	PRILL TRANSFER FROM SCREENER	19841
TP5-3	PRILL TRANSFER FROM SCREENER	19841
TP5-4A	PRILL BELT CONVEYOR 4A	19841
TP5-4B1	PRILL BELT CONVEYOR 4B	19841
TP5-4B2	PRILL BELT CONVEYOR 4B	19841
TP5-4	PRILL TRANSFER FROM SCREENER	19841
TP6-10	PRILL TRANSFER FROM SILO	19841
TP6-11	PRILL TRANSFER FROM SILO	19841
TP6-12	PRILL TRANSFER FROM SILO	19841
TP6-13	PRILL TRANSFER FROM SILO	19841
TP6-14	PRILL TRANSFER FROM SILO	19841
TP6-15	PRILL BELT CONVEYOR B	19841
TP6-16	PRILL BELT CONVEYOR 6-16	19841
TP6-17	PRILL BELT CONVEYOR 6-17	19841
TP6-18	PRILL TRANSFER FROM SCREENER	19841
TP6-19	PRILL TRANSFER FROM SCREENER	19841
TP6-1A	SPRAY DRYER 3 BELT CONVEYOR 1A	19841

# **New Source Review Authorization References by Emissions Unit**

Unit/Group/Process ID No.	Emission Unit Name/Description	New Source Review Authorization
TP6-1B	SPRAY DRYER 3 BELT CONVEYOR 1B	19841
TP6-1C	SPRAY DRYER 3 BELT CONVEYOR 1C	19841
TP6-1D	SPRAY DRYER 3 BELT CONVEYOR 1D	19841
TP6-1E	SPRAY DRYER 3 BELT CONVEYOR 1E	19841
TP6-1F	SPRAY DRYER 3 BELT CONVEYOR 1F	19841
TP6-1G	ADJUSTABLE SPRAY DRYER 3 BELT CONVEYOR 1G	19841
TP6-1H	ADJUSTABLE SPRAY DRYER 3 BELT CONVEYOR 1H	19841
TP6-1	PRILL TRANSFER FROM SPRAY DRYER 3	19841
TP6-20	PRILL BELT CONVEYOR 6-20	19841
TP6-21	PRILL TRANSFER FROM SCREENER	19841
TP6-22	PRILL TRANSFER FROM SCREENER	19841
TP6-23	PRILL BELT CONVEYOR 6-23	19841
TP6-24	PRILL BELT CONVEYOR 6-24	19841
TP6-2	PRILL TRANSFER FROM SILO	19841
TP6-3	PRILL TRANSFER FROM SILO	19841
TP6-4	PRILL TRANSFER FROM SILO	19841
TP6-5	PRILL TRANSFER FROM SILO	19841
TP6-6	PRILL TRANSFER FROM SILO	19841

# **New Source Review Authorization References by Emissions Unit**

Unit/Group/Process ID No.	Emission Unit Name/Description	New Source Review Authorization
TP6-7	PRILL TRANSFER FROM SILO	19841
TP6-8	PRILL BELT CONVEYOR A	19841
TP6-9	PRILL TRANSFER FROM SILO	19841
TPBC-1	PRILL TRANSFER FROM BC-1	106.264 09/04/2000
TPBE-4	PRILL TRANSFER FROM BE-4	19841
TPBE-5	PRILL TRANSFER FROM BE-5	19841
TPBE-6	PRILL TRANSFER FROM BE-6	19841
TPBE-7	PRILL TRANSFER FROM BE-7	19841

## APPENDIX A

Acronym List .....	51
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## ACRONYM LIST

The following abbreviations or acronyms may be used in this permit:

ACFM	actual cubic feet per minute
AMOC	alternate means of control
ARP	Acid Rain Program
ASTM	American Society of Testing and Materials
B/PA	Beaumont/Port Arthur (nonattainment area)
CAM	Compliance Assurance Monitoring
CD	control device
COMS	continuous opacity monitoring system
CVS	closed-vent system
D/FW	Dallas/Fort Worth (nonattainment area)
DR	Designated Representative
EIP	El Paso (nonattainment area)
EP	emission point
EPA	U.S. Environmental Protection Agency
EU	emission unit
FCAA Amendments	Federal Clean Air Act Amendments
FOP	federal operating permit
GF	grandfathered
gr/100 scf	grains per 100 standard cubic feet
HAP	hazardous air pollutant
H/G	Houston/Galveston (nonattainment area)
H <sub>2</sub> S	hydrogen sulfide
ID No.	identification number
lb/hr	pound(s) per hour
MMBtu/hr	Million British thermal units per hour
MRRT	monitoring, recordkeeping, reporting, and testing
NA	nonattainment
N/A	not applicable
NADB	National Allowance Data Base
NO <sub>x</sub>	nitrogen oxides
NSPS	New Source Performance Standard (40 CFR Part 60)
NSR	New Source Review
ORIS	Office of Regulatory Information Systems
Pb	lead
PBR	Permit By Rule
PM	particulate matter
ppmv	parts per million by volume
PSD	prevention of significant deterioration
RO	Responsible Official
SO <sub>2</sub>	sulfur dioxide
TSP	total suspended particulate
TVP	true vapor pressure
U.S.C.	United States Code
VOC	volatile organic compound

## **ATTACHMENT G**



Barry R. McBee, *Chairman*  
R. H. "Ralph" Marquez, *Commissioner*  
John M. Baker, *Commissioner*  
Dan Pearson, *Executive Director*



## TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

*Protecting Texas by Reducing and Preventing Pollution*

March 06, 1998

AMERICAN MARAZZI TILE INC  
STEVE WIEDERWAX  
359 CLAY RD  
SUNNYVALE TX 75182

This letter is to inform you that on 03/06/98 the technical review of Use Determination Application, 97-3163, for:

AMERICAN MARAZZI TILE INC  
AMERICAN MARAZZI TILE INC  
359 CLAY RD  
SUNNYVALE TX 75182

was completed. The outcome of that review is as follows:

A positive use determination of 100% for the Baghouse, the landfill liner, the landfill cap and the clay storage building.

In order to request an exemption, a copy of this Use Determination must be provided to the Chief Appraiser of the appropriate appraisal district. If you have any questions or require any additional information please contact the TNRCC Use Determination program at (512) 239-6348.

Sincerely,

A handwritten signature in cursive script that reads "Ronald L. Hatlett".

Ronald L. Hatlett  
Use Determination Manager

**TEXAS NATURAL RESOURCE CONSERVATION COMMISSION**  
**APPLICATION FOR USE DETERMINATION FOR POLLUTION CONTROL PROPERTY**

The Texas Natural Resource Conservation Commission (TNRCC) has the responsibility to determine whether a property is pollution control property. A person or political subdivision seeking a use determination for pollution control property must complete the attached application or use a duly authorized representative. For assistance in completing this form refer to the "Frequently Asked Questions About the Use Determination for Pollution Control Property" and the "Instructions For Completing Application Form" (Appendix D), as well as to TAC §27, which governs this program. For additional assistance please contact the TNRCC, Department 2 Services at (512) 239-4545. The application should be completed and mailed with the appropriate fee, for TNRCC "Use Determination" MC 214, Texas Natural Resource Conservation Commission, P.O. Box 12688, Austin, Texas 78711-3688.

**1. GENERAL INFORMATION**

**A. What is the type of ownership of this facility:**

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Corporation | <input type="checkbox"/> Sole Proprietor |
| <input type="checkbox"/> Partnership            | <input type="checkbox"/> Utility         |
| <input type="checkbox"/> Limited Partnership    | <input type="checkbox"/> Other _____     |

**B. Size of company:**

- |                                     | <u>Number of Employees</u> |                                     | <u>Annual Sales</u>        |
|-------------------------------------|----------------------------|-------------------------------------|----------------------------|
| <input type="checkbox"/>            | 1 to 99                    | <input type="checkbox"/>            | \$0 to \$250,000           |
| <input checked="" type="checkbox"/> | 100 to 499                 | <input type="checkbox"/>            | \$250,001 to \$500,000     |
| <input type="checkbox"/>            | 500 to 999                 | <input type="checkbox"/>            | \$500,001 to \$1,000,000   |
| <input type="checkbox"/>            | 1,000 to 1,999             | <input type="checkbox"/>            | \$1,000,001 to \$5,000,000 |
| <input type="checkbox"/>            | 2,000 or more              | <input checked="" type="checkbox"/> | over \$5,000,000           |

**C. Standard Industrial Classification Code: 3253**

**D. Business Description: (Provide a brief description of the nature of the business or activity at this facility)**

American Marazzi Tile, Inc. is engaged in the manufacture of ceramic tile.

**2. TYPE OF APPLICATION**

**A. ☒ Tier I \$50 Application Fee.**

If all property listed in Section 9 of this application is located on the Predetermined Equipment List or is necessary for the installation or operation of equipment on the list, then check this box.

**B. ☐ Tier II \$1,000 Application Fee.**

If any property listed in Section 9 is not on the Predetermined Equipment List, and all of this property is used 100% for pollution control, then check this box.

**C. ☐ Tier III \$2,500 Application Fee.**

If any property listed in Section 9 is not on the Predetermined Equipment List and if a partial use determination is being requested for ANY of the property included in the application, then check this box.

*Note: Enclose a check or money order to the TNRCC along with the application to cover the required fee.*

**3. NAME OF APPLICANT**

**A. Company Name:** American Marazzi Tile, Inc.

**B. Mailing Address (Street or P.O. Box):** 359 Clay Rd.

**C. City, State, ZIP:** Sunnyvale, TX 75182

**4. PHYSICAL LOCATION OF PROPERTY REQUESTING A TAX EXEMPTION**

**A. Name of facility or unit:** American Marazzi Tile, Inc.

**B. Type of mfg. process or service:** Manufacturer of Ceramic Tile

**C. Street Address:** 359 Clay Rd.

**D. City, State, ZIP:** Sunnyvale, TX 75182

**E. County:** USA

5. **NAME OF APPRAISAL DISTRICT WITH TAXING AUTHORITY OVER PROPERTY**

A. Name of Chief Appraiser: David Childs  
B. Mailing Address: P.O. Box 620088  
C. City, State, ZIP: Dallas, TX 75262-0088

*Note: a separate application must be filed for each different appraisal district where property is located*

6. **CONTACT NAME (must be provided)**

A. Name of individual to contact: Steve Wiederwax  
B. Mailing Address: 359 Clay Rd.  
C. City, State, ZIP: Sunnyvale, TX 75182  
D. Telephone number and FAX number: (972) 226-0110  
(972) 226-2263 (fax)

7. **RELEVANT RULE, REGULATION, OR STATUTORY PROVISION**

Select media(s) for the property for which you are making an application for a use determination. Cite the specific section of the rule, regulation, or law being met or exceeded by the installation of that property. Do not list permit numbers or registration numbers in this table (This information is requested in section 10 of the application). If the property/equipment was installed/constructed in response to an agreed order do not list the order, list the rule, regulation, or law which requires the installation/construction of the property.

MEDIA	RULE/REGULATION/LAW
Air	40 C.F.R. Part 60, Appendix A; 30 T.A.C. 116.111
Water	30 T.A.C. 288.3; 30 T.A.C. 335.473
Waste	30 T.A.C. 330.1051; T.A.C. 335.473

8(a). **DESCRIPTION OF PROPERTY (Complete for all applications)**

Please provide a description and purpose of the property for which this application is being filed. This description must include the anticipated environmental benefits for the prevention, monitoring, control, or reduction of air, water, or land pollution that will be realized by the installation of the property. Include sketches of the equipment and flow diagrams of the processes where appropriate. (Prepare this information on separate sheets to be attached to the application.)

**Land:** If a Use Determination is being requested for land, provide a legal description and an accurate drawing of the property in question.

**Used Equipment:** If the property identified above has been purchased from another owner who previously used the property as pollution control property, attach a copy of the bill of sale or provide other information which demonstrates that the transaction involves a bona fide change of ownership of the property. Also provide information which shows that the property was not taxable by any taxing unit in which the property is located on or before January 1, 1994.

8(b). **PARTIAL DETERMINATIONS (Complete only for Tier III applications)**

Explain how the partial percentage of the property that is considered to be pollution control property is determined. Include the technical rationale, financial data, cost analysis, or other calculations that are used to determine the qualifying percentage used to calculate the adjusted cost in Table 9 below. (Prepare this information on a separate sheet or sheets to be attached to the application.)

**9. PROPERTY CATEGORIES AND COSTS**

Identify the category and the estimated purchase cost of the property listed in Section 8. List each piece of property for which a use determination is being sought. If the application is for property which is listed on the Predetermined Equipment List (PEL), list the appropriate item number(s) in the PEL column. List the date that each item of property was purchased, installed, constructed, or placed into service. List the estimated or actual purchase cost of the property. If the property is not wholly used for the purpose of pollution control, list the estimated percentage of pollution control.

Property	PEL Number	Was This Property Taxable Before 1/01/94?	Estimated Purchase Cost	Partial Percentage	Adjusted Cost
Land					
Property:					
Baghouse	A-2	No	\$229,680.68	0%	\$229,680.68
Landfill Liner	B-7	No	\$127,847.25	0%	\$127,847.25
Landfill cap	B-10	No	\$1,137,989.75	0%	\$1,137,989.75
Clay Storage Facility	S-22	No	\$142,737.00	0%	\$142,737.00
Totals			\$1,638,254.68	0%	\$1,638,254.68

**10. PERMIT, REGISTRATION OR ID NUMBER**

Indicate (by listing the permit, registration and/or identification number(s) in the appropriate column below) all existing or pending State, Local, and/or Federal permits or registrations which pertain to the property listed in this application.

Media	Permit/Registration/I.D. #	Issuing Agency
Air	19841	TNRCC
Water	TXR00A928	USEPA
Waste	TXD039718796 and 33665	USEPA/TNRCC

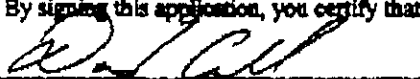
**11. APPLICATION DEFICIENCIES**

After an initial review of the application, the TNRCC may determine that the information provided with the application is not sufficient to make a use determination. The TNRCC may send a notice of deficiency, requesting additional information, which must be provided within 30 days of the written notice.

**12. FORMAL REQUEST FOR SIGNATURE**

By signing this application, you certify that this information is true to the best of your knowledge and belief.

NAME:

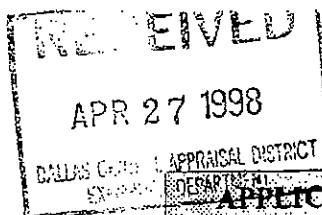


DATE: 1/19/98

TITLE:

Vice President - Finance

Under Texas Penal Code, Section 37.10, if you make a false statement on this application you could receive a jail term of up to 1 year and a fine up to \$2,000, or a prison term of 2 to 10 years and a fine of up to \$5,000.



DALLAS CENTRAL APPRAISAL DISTRICT  
2949 NORTH STEMMONS FREEWAY  
DALLAS, TEXAS 75247-6195  
PHONE: (214) 631-0520

COPY

APPLICATION FOR POLLUTION CONTROL PROPERTY TAX EXEMPTION

ACCOUNT NUMBER# 99820580000086100

YEAR 1998

This application covers property you owned on January 1 of this year and that was acquired, constructed or installed after January 1, 1994. You must file the completed form between January 1 and April 30 of this year. Be sure to attach any additional documents requested. If the chief appraiser grants the exemption, you do not need to reapply annually, but you must reapply if the chief appraiser requires you to do so, or if you want the exemption to apply to property not listed in this application. You must notify the chief appraiser in writing before May 1 if and when your right to this exemption ends. Return the completed form to the address above.

<b>STEP 1:</b> Owner's name and address	Owner's name <b>MARAZZI TILE</b>	Present mailing address (number and street) <b>359 CLAY ROAD</b>	City, town or post office, state, ZIP Code <b>SUNNYVALE, TEXAS 75182-9710</b>	Phone (area code and number) <b>(972) 226-0110</b>
<b>STEP 2:</b> Describe the property	Describe the property on which the pollution control facility, device or method is installed. (Street address, legal description or the appraisal district's parcel identification or account number) <b>359 Clay Road, Sunnyvale, Texas</b> Briefly describe the "facility, device or method" to be exempted. <b>Bag House, Landfill Liner, Landfill Cap, Clay Storage Facility</b>			
<b>STEP 3:</b> Attach document	Please attach the use determination issued for the property by the Texas Natural Resources Conservation Commission, if you have the use determination when you file this application. Check if you have attached the property's TNRCC use determination. YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> If you checked "no," see "Additional Information" below.			
<b>STEP 4:</b> Answer the following questions about the property	(A) Is the pollution control property's owner in the business of manufacturing, producing or providing a product or service that prevents, monitors, reduces or controls air, water, or land pollution? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> (B) Is the property to be exempted used wholly or partly to control air, water or land pollution? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> (C) Is the property to be exempted used for residential purposes? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> (D) Is the property to be exempted used for scenic, park, or recreational purposes as defined by Tax Code Section 23.81? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> (E) Is the property to be exempted a motor vehicle? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> (F) When was the property to be exempted acquired? Date <u>1997</u> (G) If you constructed the property, when was construction complete? Date <u>1997</u> If construction is not completed, give the date construction began (date _____), the date construction is expected to be completed (date _____), and the percent complete on January 1 of this year (year _____ %). (H) Is the property to be exempted subject to a tax abatement agreement? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> (1) If yes, was the agreement executed before January 1, 1994? YES <input type="checkbox"/> NO <input type="checkbox"/> (2) If the answer to (H) (1) was yes, please attach the applicable abatement agreement. (I) Is the property to be exempted installed to wholly or partly meet or exceed laws, rules or regulations adopted by the federal, state or local environmental protection agency to control, monitor, reduce, or prevent pollution? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>			
<b>STEP 5:</b> Sign the application	I certify that the information in this document and any attachments is true and correct to the best of my knowledge and belief. Authorized Signature: <u>[Signature]</u> Date: <u>4/24/98</u> Under Texas Penal Code, Section 37.10, if you make a false statement on this application, you could receive a jail term of up to 1 year and a fine of up to \$3,000, or confinement in a community correctional facility for up to one year, or a prison term of 2 to 10 years and a fine of up to \$10,000.			
<b>Additional Information</b>	The law requires you to file with your chief appraiser a use determination, which is conclusive evidence of the property's use. If you cannot file your determination before the chief appraiser acts on exemption application, the chief appraiser may deny the application because you have not proved you qualify, or the chief appraiser may ask for additional information to prove you qualify. You may protest a denial to the appraisal review board.			